The Washington Monthly

January/February 2003
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Michael Lind on Texas Imperialism

Nicholas Lemann on Boomer Consumers

REAGAN'S LIBERAL LEGACY

By Joshua Green

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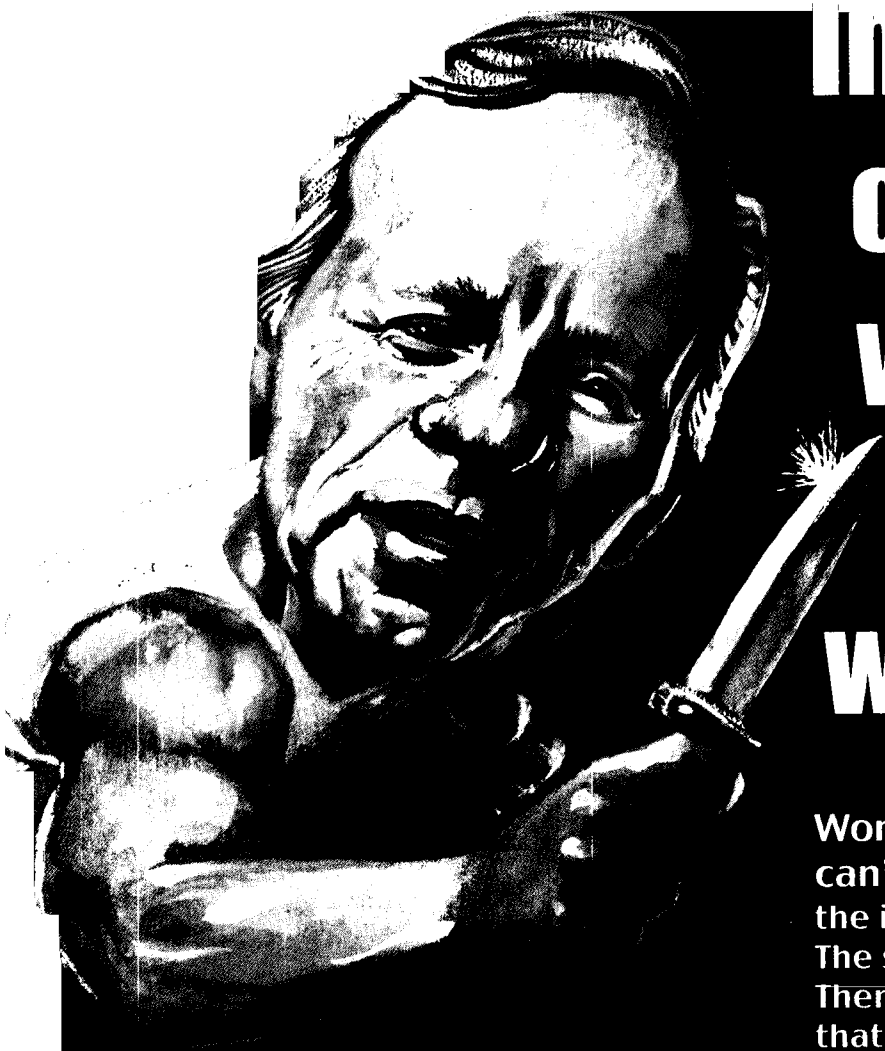

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Letters

War Party?

Heather Hurlburt ("War Torn," November) sounds like one of the few Democrats who actually respect the U.S. military. Unfortunately, her view is shared by too few in the party. Leaders like FDR, Harry Truman, JFK, and Scoop Jackson—Democrats who were liberal in the classic sense of that word, viewed the military with affection, and had respect for the men and women of our armed services—are long gone from the Democratic Party. They have been replaced by liberals who are shockingly dismissive of men and women in uniform. I should know—I was on the receiving end of many of their barbs during my 21 years of military service.

DONALD W. ZIMMER
Two Rivers, Wis.

Low Grade

Paul Weinstein's effort to find a way to raise the money for public financing of congressional elections gets an "A" for effort, but an "F" for constitutional law ("You Break It, You Pay For It," November). His proposal to make lobbyists pay for public financing is, in effect, a proposal to tax the constitutional right to petition the government for redress of grievances, and I have no doubt that the Supreme Court would strike such a idea down in a flash, assuming it ever got that far. I should also point out that not all lobbyists are fat cats who use their money and influence to buy politicians. Those who represent consumers, environmental groups, civil rights organizations, and ordinary workers would have to pay the tax as well. Of course, if businesses would like the proposed system as much as Mr. Weinstein suggests, they can get together and fund elections voluntarily, but I rather suspect they would prefer things the way they are now.

ALAN B. MORRISON
Stanford Law School, Stanford, Calif.

Cell Mates

In his November story about the failure of journalists to reveal stem cell scientists' potential conflicts of interest, Neil Munro claims that I "denied" there is a problem ("Dr. Who?," November). I certainly did not. What I told him in a rather lengthy telephone interview is that reporters like myself face a difficult situation as we decide when to mention scientists' increasingly long list of affiliations that might influence their judgement on matters of science policy. Certainly reporters are sometimes less than diligent about telling readers all they should about the experts they quote. But discriminating wisdom must be brought to bear since many corporate affiliations are effectively irrelevant and because many non-corporate influences have an equally large influence on the positions that scientists take—such as religion or having a relative with a disease that might be cured by stem cells—which for the most part we don't feel compelled to expose. These are complicated and important journalistic questions, but the reading public is not helped when reporters reduce that nuanced reality into a black-and-white story about good guys and bad guys.

RICK WEISS
Staff Writer, The Washington Post

While the issue of financial conflict of interest is an important one, it is equally important to be factually correct in suggesting that such a conflict exists. Advanced Tissue Sciences of La Jolla, Calif., is cited by Neil Munro in his article in the context of such potential conflicts given my writing about human cloning and embryonic stem cell research. This elicits a quote from Ms. Dean, a science editor at *The New York Times*. Alas, Mr. Munro failed to check his facts with regard to Advanced Tissue Sciences. That company was on the record stating that human cloning and human embryonic stem cell research were not part of its work scope. Thus, there is no conflict, actual or potential, with regard to my association.

JEROME GROOPMAN, M.D.
Harvard Medical School, Cambridge, Mass.

Neil Munro responds: In my article I accurately described Weiss's comments to me; I also explained, in some detail, his thoughts about the various non-financial interests with which scientists must deal. As for Dr. Groopman, my article did not say, nor did I mean it to imply, that his company, Advanced Tissue Sciences, intended to conduct research on stem-cells from embryos. But as I pointed out in the relevant section of my article, advocates of embryo-cell research commonly argue that it will yield discoveries and techniques that will broadly benefit many companies, especially tissue-regeneration companies such as ATS. So while Dr. Groopman does not, as he says, have an immediate financial stake in cloning technology, it's fair to say that the fortunes of ATS—before its recent bankruptcy, that is—were inevitably connected to those of companies that did conduct stem-cell research.

No Good Deed

Gregg Easterbrook's is an entirely distorted and misleading review of Peter Singer's book on globalization ("The Greatest Good for the Greatest Number," November). I am currently using the book in a philosophy class I'm teaching, and it will be clear to anyone who has actually read it closely that Easterbrook has not himself done so, nor has he understood much else he has superficially gleaned of Singer. Singer, for example, has never claimed that we should become poor by giving most of our money away, as Easterbrook states; only that if the pleasure we can derive from keeping a given amount of money is entirely insignificant compared to the pleasure it can achieve in someone else's hands, then we must give it over.

Easterbrook's evident neoliberal bias leads him to misrepresent the text at almost every point. Never does Singer even claim that globalization has definitively made the poor better off. Indeed, the quote that Easterbrook gives as Singer's arguing that, without globalization, the income gap between the rich countries and the poor ones would be greater still—from page 88—is actually someone else's view, which Singer is calling into question. Ultimately, Singer explicitly states that the question of whether or not globalization has been good for the poor still cannot be answered without more research; see pages 89 and 90. The serious question that merits reflection, according to Singer, is how to ensure that the straitjacket be truly golden—making it more democratic and eliminating such WTO

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loopholes as the product/process distinction.

DR. JULIAN FRIEDLAND
University of Colorado at Boulder

In 1995, in his book *A Moment on the Earth*, Gregg Easterbrook proclaimed that corporate capitalism had triumphed over all the Earth's environmental woes because the corporate PR departments were assuring the world that they were implementing voluntary, market-driven "green" business practices. Right. Now comes Pollyanna once again to tell us that corporate globalization is the way and the light in his review of Peter Singer's *One World*.

Easterbrook is dressing up the widening gap between rich and poor, standing on his head and squinting at it sideways to make it look like the opposite of what it is. There are a billion people living on a dollar a day, but their numbers are not growing quite as fast as the world's total population ... therefore absolute poverty is really decreasing? Here's a stone-wall stat that can't be leapt over: Since we gave Mexico the "gift" of NAFTA in 1994, the percentage of Mexicans living in poverty has gone from 58 percent to 79 percent. This is a statistic that is simply there, not part of a conspiracy of the "loony left" to suppress the good news about globalization.

ANDREW CHRISTIE
Norfolk, Va.

Gregg Easterbrook replies: Julian Friedland accuses me of misrepresenting the content of One World *"at almost every point" of a 3,000-word review that characterized dozens of contentions from the book. He then provides only one example, my statement that Peter Singer thinks that without globalization, developing nations would be worse off. This is an old trick—accusing someone of manifold errors, then having only one specific. Dr. Friedland goes further to declare himself in possession of extrasensory perception, as he asserts that he knows I did not pay attention when reading* One World.

Turns out neither of us is right about what appears on page 88. In writing that without globalization the developing world would be worse off, Singer was characterizing one possibility, and I was wrong to attribute the supposition to him. But Singer is not, as Dr. Friedland maintains, "calling into question" the view, merely presenting it. Singer later declares of globalization, "Most likely it has helped some to escape poverty and thrown others deeper into it." Whether it has been good or bad overall, Singer concludes, is unknowable.

The writer further objects to my saying Singer has advised Americans to give almost everything they possess to the developing world. Other than phrasing, however, it's hard to see what the difference is between Dr. Friedland's statement and mine. How could any given amount of money possessed by the 200 million middle-class Americans not be insignificant to them compared to what it could do for the 1.2 billion people who live on a dollar or less a day? Dr. Friedland's rule would require most Americans to give most of what they possess to the developing world.

Andrew Christie declares that my book A Moment on the Earth *"proclaimed that corporate capitalism had triumphed over all the Earth's environmental woes." Using my ESP, I know he hasn't read that book closely! Needless to say no such statement appears anywhere in the book, which goes into considerable detail about the need to address global warming and the many environmental problems of the developing world. And I'm not sure what definition of poverty Mr. Christie is using; the World Bank currently gives Mexican poverty at 10 percent based on the Mexican national definition and 38 percent based on international standards. Does anyone really suppose there would be less poverty in Mexico if NAFTA had not helped American companies move production and jobs there? Mexico's core social problem is rapid population growth; it's certainly possible that poverty is rising in Mexico despite NAFTA, but considering population growth, it might be rising even more if not for foreign investment.*

Correction: In last month's article "Comparative Advantage" (December), Nicholas Confessore wrote that the former editorial page editor of The Wall Street Journal *was Robert Bartlett. The correct name is Robert Bartley. Additionally, economist Laura D'Andrea Tyson was a professor at the University of California at Berkeley in the early 1990s, not at Stanford University. Finally, George W. Bush was previously the general partner of the Texas Rangers baseball team, not the general manager, as Confessore had written.*

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Subscription rates: U.S. and possessions: one year, $44.95; two years, $79.95; three years, $109.95. For Canadian and foreign subscriptions, add $10 for surface delivery; air mail delivery add $32.

For subscription questions and address changes, please call our subscription fullfillment department at (815) 734-5817, or send an email to service@washingtonmonthly.com. For address changes, please provide six weeks' notice.

The Washington Monthly is indexed in the Book Review Index, Political Science Abstracts, Public Affairs Information Service, the Readers' Guide to Periodical Literature, and Ulrich's International Periodicals Directory and may be obtained on microfilm from University Microfilms International, Ann Arbor, MI 48106.

Published monthly except combined Jan./Feb. and July/Aug. issues by The Washington Monthly Co., 733 15th St. NW, Suite 1000, Washington, DC 20005. Printed in U.S.A.

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ISSN 0043-0633.

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Postmaster: Send change of address to *The Washington Monthly*, 733 15th St. NW, Suite 1000, Washington, DC 20005. Periodicals postage paid at Washington, D.C. and at additional mailing offices.

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Tilting at Windmills

BY CHARLES PETERS

Rummy's Doomed Reform • Saddam the Sissy • Woodward the Protector
Broadway's Bad Review • The Jameson's of Toxic Waste

FOR YEARS THIS COLUMN HAS delighted in exposing one flaw of continuing medical education programs. Many of them are merely fronts for a vacation, with far more time spent on the ski slope, golf course, tennis court, and beach than in the classroom. Another problem with these courses is that they are often sponsored by the pharmaceutical industry. The downside of this practice, writes *The Wall Street Journal*'s Scott Hensley: "The courses tilt toward promoting the corporate sponsors' drugs." Continuing medical education was originally conducted by medical societies and medical schools. Now, however, 60 percent of the cost of the programs, $729 million out of $1.18 billion, is paid by industry.

A TEST OF THEIR GOOD FAITH now confronts Republican congressional leaders. Will they repeal, as they promised Sens. Olympia Snowe (R-Maine) and Susan Collins (R-Maine) they would, the three special-interest provisions that mysteriously crept into the homeland security bill at the last minute? One of the provisions exempts Eli Lilly from lawsuits arising from a vaccine preservative it makes, which may have caused—causation is "biologically plausible," says the National Academy of Sciences—brain disorders in thousands of children.

Another provision exempts the manufacturers of anti-terrorism devices like gas masks, even if, according to Rep. Henry Waxman (D-Calif.), "they engage in intentional wrongdoing." And, most galling of all, the bill now permits the homeland security agency to do business with corporations that evade U.S. taxes by maintaining offices overseas, even though in July, the House had voted 318-110 to forbid such contracts.

ANOTHER BLOW TO MY ANGLOphilia: In a recent opinion poll, Britons voted that the most significant event of the past hundred years was the death of Princess Diana. Whatever happened to the England of Shakespeare, Dickens, and the heroes of the RAF? Come to think of it, the Brits are probably looking at George W. Bush and wondering whatever happened to the land of Washington, Lincoln, and Franklin Roosevelt.

ALTHOUGH I DISLIKE DONALD Rumsfeld's relentless hawkishness, I do admire his effort to move the armed forces into the 21st century and get rid of the antiquated force structures that have little relation to modern warfare. I fear, however, that one of his reforms is doomed. He is attempting to unify the senior dining rooms at the Pentagon and charge officers a fee, "maybe as high as $300," according to Bill Gertz and Rowan Scarborough of *The Washington Times*.

These dining rooms are one of Washington's most treasured perks. It is said that when the Coast Guard was transferred from the Treasury Department to the Department of Transportation some years ago, the main sticking point was that Treasury officials couldn't bear to give up the Coast Guard dining room, with its gleaming silverware, white tablecloths, and white-coated attendants. And when it was discovered that lunch in the Pentagon Generals' Mess cost taxpayers an average of six times what the officers paid, the top brass back then, like Rumsfeld today, announced reform: "Meal prices must be sufficient to cover operating expenses and food costs." But the generals refused to be cowed. They simply redefined expenses to exclude waiters' and cooks' salaries, as well as the cost of kitchen equipment.

GEORGE W. BUSH HAS NOT mentioned the fact, but did you know that "Israel ranks second only to Russia as a weapons systems provider to China, and as a conduit for sophisticated military technology," according to a recent report by the U.S.-China Security Review Commission, which was established by Congress in 2000. These sales, reports Reuters, "create an ironic possibility that in the event of war, China, with weapons supplied or enhanced by Israel that may have been supplied by the United States, would face Taiwan, armed with U.S.-made jets and other military hardware." It would be even more ironic if China used the technology against us, or, as seems more probable, sold it to Bush's dear friends in North Korea and Iran, which are regular customers of Chinese military exports.

THE GENERALS ARE NOT THE only Washingtonians to display zeal in defense of their perks. Anyone who has ever worked in a government agency can tell you that the fiercest bureaucratic struggles are often waged over parking privileges and choice office space. The latest example of how a threat to a perk can arouse officialdom to the kind of

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urgent action otherwise uncharacteristic of this community came when U.S. Airways proposed to close an elite waiting room reserved for top public officials and other celebrities, "away from the masses—and from business travelers, for that matter," in the words of *The Washington Post*'s Keith Alexander. Apprised of the threat, Sen. Edward Kennedy (D-Mass.) immediately called the airline to protest the closing. His staff also called their counterparts in the offices of Sens. Hillary Clinton (D-N.Y.), Charles Schumer (D-N.Y.), and John Edwards (D-N.C.), urging them to join in the protest. When the *Post* expressed interest in why Kennedy had been moved to such an effort, the paper was assured that the senator's interest was certainly not in the preservation of the perk, but in the preservation of the jobs of the employees who manned the facilities. Of course.

AS REGULAR READERS WILL HAVE already guessed, I am delighted by the "What Would Jesus Drive" campaign against polluting SUVs and trucks. As a card-carrying member of the Christian Left, I have long urged real Christians to fight the Christian Right by reminding believers that Jesus would favor liberal programs like helping the poor and universal health care.

UNDER JAMES LEE WITT'S LEADERSHIP, FEMA became one of the success stories of the Clinton administration. Now, after two years under Bush crony Joe Allbaugh, it's not looking so good. The agency, according to David Chen of *The New York Times*, "has had no end of problems with its stewardship of the September 11 aid programs.

"Congressional leaders have blasted the agency as slow, disorganized, and needlessly restrictive. Victims have complained that FEMA evaluators have been rude, ill-informed, and condescending. Even agency officials have admitted to management blunders."

The latest became known after 300 or so victims who had mailed applications for help got them back stamped "Return to Sender." FEMA, it seems, had failed to pay the rent on its post office box for almost three months.

Does George W. Bush know that Israel ranks second only to Russia as a weapons systems provider to China?

"HOMELAND Security Department May Take a Year to Take Shape—Nightmare Seen in Blending 22 Agencies' Cultures and Workforces." That was the headline on a recent story in *The Washington Post*. You may recall last fall I wrote that while there was a good argument for creating the new agency, precedence should be given to the more urgent need for reform of the FBI and CIA and the reform of some of the worst performers—e.g., the Immigration and Naturalization Service—of the agencies to be consolidated under Homeland Security. But instead of concentrating its energies on the more important tasks, the Bush administration has chosen to diffuse its efforts in this gigantic reorganization.

The reason reorganizations are favored by government officials is that they create the appearance of action. Washington loves make-believe because then you can seem to be doing something without actually doing anything that might offend interest groups. Offices and people are moved. Walls are knocked down. New partitions are created. Innumerable memos are written and countless meetings are held about office furnishing and décor and about who sits where and who outranks whom. It's not hard to see that in this maze of concerns and preoccupations, executing the mission of the agency might not receive the attention it should.

I'VE WRITTEN BEFORE ABOUT THE excessive fees collected by many class-action lawyers that contrast with the modest settlements for the plaintiffs they represent. In our November issue, I gave an example of the high fees. I now have an example of the low returns for the victims. As a plaintiff in one of these actions, I just received the check for my share of the settlement. It was for one cent.

BOB WOODWARD'S ability to get big shots to confide in him is quite simply breathtaking. How does he do it? One technique, illustrated by the case of Colin Powell, is to offer himself as protector. While Woodward was doing the reporting for both *The Commanders* and *Bush at War*, Powell was partially dissenting from administration positions. His future in the administration may have been in peril, and he needed to see that his side was presented in a way that would protect him against retaliation and, failing that, protect his reputation in history. The CIA's George Tenet, who had even more reason to be nervous than Powell, also had Woodward's protection. And, of course, it's always nice to be depicted as a hero, as Woodward's best sources are assured of being.

Whenever a new Woodward book appears, I pause to pay tribute to Art Levine's parody of Woodward and Bernstein's *The Final Days* in our September 1976 issue. Art saw what splendid fellows sources Alexander Haig and Fred Buzhardt appeared to be in the book and wondered how Woodward and Bernstein would treat Goering and Himmler if they had been his sources for *The Final Days of the Third Reich*:

"This was an extraordinary mission. Reichsmarshal Hermann Goering and Heinrich Himmler, the Gestapo chief, settled in for the two-hour train trip to Berchtesgaden. The two sensitive and brilliant aides

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were leaving behind a hot, sunny Munich. It was Sept. 15, 1943. Ahead of them lay the mountains and lakes of western Germany and Austria. The sun poured in at a 47-degree angle through the windows. For most of the travelers, the trip was an occasion for relaxation, a brief respite from the war. Yet these two public servants were not in a holiday mood.

"Goering and Himmler had heard rumors that the Fuhrer was anti-Semitic. It was all hearsay, innuendo, but, still, the two men were troubled.

"They had reached an inescapable conclusion: they must go to Berchtesgaden, confront the Fuhrer with these allegations, and ask him to put all doubts to rest.

"As the pastoral scene outside sped by their windows, Himmler and Goering were in a reflective mood. 'You know, Heinrich,' Goering said, twirling his three-foot gold baton, 'lately, I sure miss having my close Jewish friends around to talk to. There used to be so many of them, and now I can't seem to get them on the phone any more. Where have they gone?'

"'Beats me, Hermann,' Himmler answered. He tugged absent-mindedly on his lapels with their provocative death's-head insignia.

"A fly hovered two inches above the window sill. Goering moved over to crush it, but Himmler reached out instinctively to grab his hand. 'Don't do that, Hermann!' Himmler exclaimed. 'All life is sacred, down to the lowliest animal in God's creation.'"

THE JACK GRUBMAN-SANFORD Weill-92nd Street Y Nursery School scandal has many delicious aspects, most of which have been pretty thoroughly explored by now. One that has been neglected is what the scandal says about what is happening to Y's. They used to serve average Americans and, with their many worthy programs for the underprivileged, were deemed charitable enterprises worthy of inclusion in United Way fund drives. But, as we pointed out as long ago as December 1978, the Washington Y had evolved into an elite health club. For its part, the 92nd Street Y—which used to be notable for bringing affordable culture to the masses—now has limousines backed up outside, picking up or dropping off the richest kids in Manhattan.

The Y used to serve average Americans. Now Manhattan's 92nd Street Y serves the elite. It isn't the only one.

THE BUSH ADMINISTRATION'S settlement of the Microsoft suit does not seem to have arrested the corporate giant's tendency to bully. My source is not some lefty publication. It is *The Wall Street Journal*: "Microsoft is waging a major lobbying and public policy campaign," write the *Journal*'s William M. Bulkeley and Rebecca Buckman, "to stop government agencies in the U.S. and abroad from embracing free 'open source' software, especially the Linux operating system, which poses a threat to Microsoft's Windows." If ever there was a case of the bad guys against the good guys, this is it. You will recall from Nicholas Thompson's March 2000 article "Reboot" that Linux is an admirable example of idealistic and creative entrepreneurship. And doesn't it make economic sense for the government to use something that is free?

AN ANCIENT CONFIDENCE GAME played by officials of the Bureau of Land Management and real estate developers involves agreements to trade public lands for private ones. What happens all too often is that the government will surrender verdant fertile fields for acres of mountainside or desert wasteland. Bureau officials have been motivated to make these one-sided deals for three reasons: stupidity, bribery, and most often because the developer is well connected with influential congressmen who can express their displeasure with the bureaucrats' non-cooperation by cutting the agency's budget.

A common technique employed in this hustle is an underappraisal by the bureau of the value of its land. "In one trade in Nevada several years ago," writes Joel Brinkley of *The New York Times*, "a developer acquired 70 acres of public land that the bureau had valued at $763,000, then sold it the next day for $4.6 million."

Sometimes the conflicts of interest involved in these deals are blatant. Not long ago the bureau office in Carson City, Nev., according to Brinkley, "took on an employee of a private developer to work in the land management office as an agency official. His job was to manage land exchanges being pursued by the developer."

DEPLOYMENT MEANS WAR. THIS has not always been the case in military history—but it is usually what happens. One reason is that once you've deployed an army, the pressure to use it rises daily. Soon after the troops arrive, they begin to want to come home. In Iraq, this pressure will be exacerbated by the heat, which will make military operations extremely difficult beginning in April or May. This means the Bush administration will be tempted to not give inspections a fair chance and helps explain why Bush began criticizing them the day after they started.

ALTHOUGH I DON'T GIVE IRAQ the priority the Bush administration does, I agree that making sure Saddam doesn't develop dangerous weapons is a worthy goal. To achieve it, we must find a way of putting continuous muscle behind the inspectors. This doesn't mean we have to maintain an army large enough to invade. What we do need

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is a commando force with the strength and mobility to go after the country's leadership in the event of noncompliance. For the commandos not to succumb to go-home-itis, they would need to be replaced regularly. I'm familiar with the stories of Desert One and Black Hawk Down, so I'm aware that the raid might not work. But I'm convinced that Saddam is a sissy, and that the mere threat of a raid will be enough to make him behave. And a commando force would be a lot cheaper than a big army and a big war.

BUREAUCRATS, AS GEORGE ORWELL pointed out, love to find innocuous words to cloak unpleasant facts. Recent examples of this fine art, courtesy of Steve Schultze of the *Milwaukee Journal Sentinel*, come from that city's metropolitan sewage district, which calls raw sewage "untreated wastewater." When raw sewage is dumped into Lake Michigan, it's called "bypass." When treated waste is mixed with raw sewage, the process is described as "blending"—just like fine whiskey.

LAST MONTH, YOU MAY RECALL that I was bemoaning the loss of Democratic control of committee chairmanships and the resulting loss of interest in investigating the misdeeds and omissisons of the Bush administration. I said the press would have to fill the void, but didn't offer an illustration of what I meant. Here is one: Stephen Labaton's Dec. 1 article in *The New York Times* that made clear how inadequately funded the SEC was to meet its responsibility to clean out the corporate crooks and restore integrity to Wall Street. He pointed out that although the Democrats, led by Sen. Paul Sarbanes, were trying to increase the SEC budget by 77 percent, the White House was only offering half that. A similar article had run earlier in *The Wall Street Journal;* Labaton's article was followed by likeminded *Times* and *Washington Post* editorials and by an op-ed in the *Times*. The result: When the White House announced William Donaldson's appointment as SEC chair in mid-November, it also announced that it favored doubling the SEC budget. Labaton and his allies have demonstrated what the press can do to keep the White House honest. But I caution them to keep an eye on the administration. If those guys think no one's looking, they just may decide they can get away with forgetting about that doubling stuff.

WHEN BILL CLINTON WORKED with Congress to socialize medicine for veterans in 1996, I applauded. But again, underfunding means that some VA facilities are terribly overcrowded. Disabled veterans, the ones who were taken care of before the 1996 law, now often have to wait and wait and wait. For disabled veterans like me who never went overseas, this wait is not good, but bearable. But for combat veterans who have shed blood for their country, the delay is unconscionable. They should have priority over the rest of us.

The reason reorganizations are favored by government is that they create the appearance of action.

AND SPEAKING OF UNCONSCIONable, how can Ralph Reed—whose smug smiles were a staple of television coverage of the Republican victory in the Georgia Senate race—sleep at night, having engineered a campaign that attacked the patriotism of Max Cleland, who sacrificed three of his limbs in Vietnam!

I AGREE WITH THE HAWKS IN one respect. It will be relatively easy for American forces to defeat Saddam Hussein. Indeed, I suspect that's why war against Iraq seems so irresistible to George W. Bush. It may not do nearly as much to end terrorism as bringing peace to Israel and Palestine or eliminating al Qaeda might do. But it's going to be a hell of a lot simpler. Bush will then have the same joy his father experienced watching all those victory parades. But it's just possible that before the next election the American people will wake up to the fact that the real terrorists and the real causes of terrorism have barely been addressed.

THE BROADWAY NATIONAL BANK recently pleaded guilty for failing to file suspicious-activity reports on bank deposits. Were prosecutors being too fussy? Were there just a few cash deposits in excess of the $10,000 trigger? Not exactly: $123 million was involved. "Once the cash was deposited, sometimes in large duffel bags dropped off in the teller area, it was quickly wired to bank accounts in Latin America and the Middle East," reports Robert F. Worth of *The New York Times*. Yet Broadway National's lawyer, William B. Pollard III, says that "at no time did the bank know, believe, or suspect" that the deposits were related to illegal activities.

BROADWAY NATIONAL WAS THE first prosecution under the suspicious-activity law. One wonders why. After all, a rough guess at the number of offenses would quickly go into the thousands. I'm beset by similar curiosity aroused by a recent prosecution against Siebel Systems for violating the rule that companies must disclose key information to all investors, not just a few insiders. This was also a first prosecution, according to *The Washington Post*'s Kathleen Day, though here, too, one suspects a far larger number of offenses.

AT MY MOST OPTIMISTIC, I THINK of this country as a nation of Hucks and Toms. At my most pessimistic, which often comes after a Republican victory at the polls, I suspect we're probably more like the King and the Duke, a nation of car salesmen and stockbrokers.

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Vice Grip

Dick Cheney is a man of principles. Disastrous principles.

BY JOSHUA MICAH MARSHALL

EARLY LAST DECEMBER, VICE PRESIDENT Dick Cheney was dispatched to inform his old friend, Treasury Secretary Paul O'Neill, that he was being let go. O'Neill, the president's advisers felt, had made too many missteps, given too much bad advice, uttered too many gaffes. He had become a liability to the administration. As Cheney himself once said in a different context, it was time for him to go. It couldn't have been a fun conversation—especially since it was Cheney who had picked O'Neill two years earlier.

O'Neill stormed off to Pittsburgh and within days the White House had announced his replacement. Yet the new treasury secretary nominee turned out not to be much of an improvement. Like O'Neill, John Snow was a veteran of the Ford administration who ran an old-economy titan (the railroad firm CSX) and seemed to lack the global market financial experience demanded of modern day treasury secretaries. Like other Bush appointees, Snow came from a business that traded heavily on the Washington influence game. And—again typical of the president and his men—the size of Snow's compensation package seemed inversely proportional to the returns he made for his shareholders. Of the three new members of the president's economic team nominated in early December, Snow was the only one to get almost universally poor reviews. He was also Dick Cheney's pick.

Week after week, one need only read the front page of *The Washington Post* to find similar Cheney lapses. Indeed, just a few days after Cheney hand-picked Snow, *Newsweek* magazine featured a glowing profile of National Security Adviser Condoleezza Rice that began with an anecdote detailing her deft efforts to clean up another Cheney mess. In a July speech, the vice president had argued that weapons inspections in Iraq were useless and shouldn't even be tried. That speech nearly upended the administration's careful late-summer repositioning in favor of a new United Nations-backed inspections program. As the article explained, Rice—the relatively junior member of the president's inner circle of foreign policy advisers—had to take the vice president aside and walk him through how to repair the damage he'd done, with a new statement implicitly retracting his earlier gaffe. Such mistakes—on energy policy, homeland security, corporate reform—abound. Indeed, on almost any issue, it's usually a sure bet that if Cheney has lined up on one side, the opposite course will turn out to be the wiser.

Yet somehow, in Washington's collective mind, Cheney's numerous stumbles and missteps have not displaced the reputation he enjoys as a sober, reliable, skilled inside player. Even the *Newsweek* article, so eager to convey Rice's competence, seemed never to explicitly note the obvious subtext: Cheney's evident incompetence. If there were any justice or logic in this administration as to who should or shouldn't keep their job, there'd be another high-ranking official in line for one of those awkward conversations: Dick Cheney.

Overruling Dick

Consider the evidence. Last year, Cheney's White House energy task force produced an all-drilling-and-no-conservation plan that failed not just on policy grounds but as a political matter as well, saddling the

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administration with a year-long public relations headache after Cheney insisted on running his outfit with a near-Nixonian level of secrecy. (To this day, Cheney and his aides have refused to provide the names of most of those industry executives who "advised" him on the task force's recommendations, though a federal judge has now rejected the Government Accounting Office's effort to make them do so.) During the spring of 2001, rather than back congressional efforts to implement the findings of the Hart-Rudman commission that called for forceful action to combat terrorism (including the creation of a department of homeland security), Cheney opted to spearhead his own group—not because he disagreed with the commission's proposals, but to put the administration's stamp on whatever anti-terrorism reforms did get adopted. Cheney's security task force did nothing for four months, lurching into action only *after* terrorists actually attacked America on September 11. In the months that followed, Cheney was one of several key advisers arguing that the White House should keep Tom Ridge's Office of Homeland Security within the White House rather than upgrade it to a cabinet department and thus open it to congressional scrutiny. Cheney's obstinacy ensured that the administration's efforts were stuck in neutral for nearly eight months.

Dick Cheney's terrible judgment will, at some point, become impossible even for the Beltway crowd not to see.

Cheney has not fared much better in the diplomatic arena. Last March, he went on a tour of Middle Eastern capitals to line up America's allies for our war against Saddam. He returned a week later with the Arabs lining up behind Saddam and against us—a major embarrassment for the White House. Much of the success of the administration's Iraq policy came only after it abandoned the strategy of unilateral action against Saddam, the strategy Cheney championed, to one of supporting a U.N. inspections regime—a necessary and successful course correction that Cheney resisted and almost halted. Indeed, broadly speaking, the evolution of White House Iraq policy might be described fairly as a slow process of overruling Dick Cheney.

And there's more. Remember those corporate scandals that came close to crippling Bush? Last summer, White House advisers were pondering whether to back the sort of tough corporate accountability measures that Democrats and the press were demanding. The president was scheduled to deliver a big speech on Wall Street in early July. His advisers were divided. Some argued that strong reforms were at the least a political necessity. But Cheney, along with National Economic Council chair Larry Lindsey, opposed the idea, arguing that new restrictions on corporations would further weaken the economy. The president took Cheney's advice, and gave a speech on Wall Street that recommended only mild and unspecific reforms. "He mentioned a lot of things in the speech that the Securities and Exchange Commission already does," one nonplussed Wall Streeter told *The Washington Post* with a yawn. The day after the president's speech, the Dow shed 282 points, the biggest single-day drop since the post-terrorist tailspin of Sept. 20. Within days the president was backpedaling and supporting what Cheney had said he shouldn't. Lindsey got the boot later in the year. Cheney is still in the West Wing shaping economic policy.

Cartel Capitalists

Much of the reason Cheney so often calls things wrong—even on those business issues that would seem his area of expertise—can be traced to the culture in which he's spent most of his professional life. Despite his CEO credentials and government experience, Dick Cheney has been surprisingly insulated from the political and financial marketplace. He began his career as a Nixon-administration functionary under Donald Rumsfeld. Later, he joined the Ford administration as a deputy assistant to the president before becoming White House chief of staff. From there he moved into elective office, but to the ultra-safe House seat from Wyoming, a post only slightly less shielded from the tides of American politics than were his posts in the Ford administration.

Cheney resigned his House seat in 1989 and moved back to the executive branch where he belonged, serving—with distinction—as defense secretary under the first President Bush. From there he moved to the corporate suite at Halliburton, where he eventually earned tens of millions of dollars. But Halliburton is a peculiar kind of enterprise. It doesn't market shoes or design software. Rather, its business—providing various products and services to the oil industry and the military—

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is based on securing lucrative contracts and concessions from a handful of big customers, primarily energy companies and the U.S. and foreign governments. Success in that business comes not by understanding and meeting the demands of millions of finicky customers, but by cementing relationships with and winning the support of a handful of powerful decision-makers.

Indeed, that's why Halliburton came to Cheney in the first place. His ties with the Bush family, his post-Gulf War friendships with Arab emirs, and the Rolodex he'd compiled from a quarter century in Washington made him a perfect rainmaker. And though he did rather poorly on the management side—he shepherded Halliburton's disastrous merger with Dresser Industries, which saddled the new company with massive asbestos liabilities—he handled the schmoozing part of the enterprise well.

Cheney is conservative, of course, but beneath his conservatism is something more important: a mindset rooted in his peculiar corporate-Washington-insider class. It is a world of men—very few women—who have been at the apex of both business and government, and who feel that they are unique in their mastery of both. Consequently, they have an extreme assurance in their own judgment about what is best for the country and how to achieve it. They see themselves as men of action. But their style of action is shaped by the government bureaucracies and cartel-like industries in which they have operated. In these institutions, a handful of top officials make the plans, and then the plans are carried out. Ba-da-bing. Ba-da-boom.

In such a framework all information is controlled tightly by the principals, who have "maximum flexibility" to carry out the plan. Because success is measured by securing the deal rather than by, say, pleasing millions of customers, there's no need to open up the decision-making process. To do so, in fact, is seen as governing by committee. If there are other groups (shareholders, voters, congressional committees) who agree with you, fine, you use them. But anyone who doesn't agree gets ignored or, if need be, crushed. *Muscle it through and when the results are in, people will realize we were right* is the underlying attitude.

The danger of this mindset is obvious. No single group of people has a monopoly on the truth. Whether it be plumbers, homemakers, or lobbyist bureaucrats, any group will inevitably see the world through its own narrow, mostly self-interested, prism. But few groups are so accustomed to self-dealing and self-aggrandizement as the cartel-capitalist class. And few are more used to equating their own self-interest with the interests of the country as a whole.

Not since the Whiz Kids of the Kennedy-Johnson years has Washington been led by men of such insular self-assurance. Their hierarchical, old economy style of management couldn't be more different from the loose, non-hierarchical style of, say, high-tech corporations or the Clinton White House, with all their open debate, concern with the interests of "stake-holders," manic focus on pleasing customers (or voters), and constant reassessment of plans and principles. The latter style, while often sloppy and seemingly juvenile, tends to produce pretty smart policy. The former style, while appearing so adult and competent, often produces stupid policy.

Over time, people in the White House have certainly had to deal with enough examples of Cheney's poor judgment. It's fallen to the White House's political arm, led by the poll-conscious Karl Rove, to rein in or overrule him. Yet the vice president has apparently lost little stature within the White House. That may be because his get-it-done-and-ignore-the-naysayers attitude is one that others in the administration share. Cheney stands up for the cartel-capitalist principles they admire. He is right, in a sense, even when he's wrong.

Why, though, has the press failed to grasp Cheney's ineptitude? The answer seems to lie in the power of political assumptions. The historian of science Thomas Kuhn famously observed that scientific theories or "paradigms"—Newtonian physics, for instance—could accommodate vast amounts of contradictory evidence while still maintaining a grip on intelligent people's minds. Such theories tend to give way not incrementally, as new and conflicting data slowly accumulates, but in sudden crashes, when a better theory comes along that explains the anomalous facts. Washington conventional wisdom works in a similar way. It doesn't take long for a given politician to get pegged with his or her own brief story line. And those facts and stories that get attention tend to be those that conform to the established narrative. In much the same way, Cheney's reputation as the steady hand at the helm of the Bush administration—the CEO to Bush's chairman—is so potent as to blind Beltway commentators to the examples of vice presidential incompetence accumulating, literally, under their noses. Though far less egregious, Cheney's bad judgment is akin to Trent Lott's ugly history on race: Everyone sort of knew it was there, only no one ever really took notice until it was pointed out in a way that was difficult to ignore. Cheney is lucky; as vice president, he can't be fired. But his terrible judgment will, at some point, become impossible even for the Beltway crowd not to see. ●

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License to Kill

How the GOP helped John Allen Muhammad get a sniper rifle.

BY BRENT KENDALL

BULL'S EYE SHOOTER SUPPLY IS A warehouse-sized gun store near the waterfront in Tacoma, Wash. Boasting the Puget Sound's largest selection of firearms and ammunition, the store is a mecca for area sportsmen, who come to browse the latest hunting rifles or practice their marksmanship at the store's 12-lane shooting range. An outside wall of the store bears a hand-painted mural depicting lions, elephants, cheetahs, and water buffaloes. Some of the store's firearms, however, have felled more than big game.

One such gun was a .223-caliber semiautomatic Bushmaster XM15 rifle, which Bull's Eye received from the manufacturer on July 2 of last year. On Sept. 21, a bullet from that gun blew through the back of a liquor store manager in Montgomery, Ala. (she died in the emergency room soon after). Two days later, another bullet burrowed through the head of a beauty store manager in Baton Rouge, La., who died instantly. Between Oct. 2-3, bullets from the gun ripped through the bodies of six people in Montgomery County, Md., killing all of them. Over the next three weeks, the gun claimed seven more victims—including a bus driver, a female FBI analyst, and a 13-year-old schoolboy—killing four of them. Finally, on Oct. 24, law enforcement authorities found the Bushmaster in the back seat of a blue Chevy Caprice occupied by John Allen Muhammad and John Lee Malvo.

Exactly how the gun got into the men's hands remains something of a mystery. Muhammad was banned by federal law from purchasing any gun because of a restraining order obtained by his ex-wife; his ineligibility would have shown up during the Brady background check that gun stores are required to run on potential buyers. Malvo was ineligible because he was a juvenile and an illegal immigrant. Bull's Eye has no record of selling the weapon, much less conducting a background check on Muhammad or Malvo for it. Bull's Eye employees have reported seeing Malvo at the store this summer, and later noticed the Bushmaster was not in its display case. But the store did not file the federally required theft report. When the store's owner, Brian Borgelt, was questioned by agents of the Bureau of Alcohol, Tobacco, and Firearms (ATF), the federal agency charged with enforcing the nation's gun laws, he claimed not to have known the gun was missing until authorities traced it back to his store. Two weeks after the sniper suspects' arrests, he filed the theft report with the police and ATF.

This wasn't the first time that Bull's Eye was caught unable to account for deadly firearms that had passed through its doors. ATF inspectors, armed with data showing that weapons used in crimes had originated from Borgelt's store, audited it three times between 1998 and 2001, and found record-keeping irregularities each time. An audit in 2000 revealed that Borgelt could not account, through sales records, for 160 guns. Being unable to account for the whereabouts of even one-fifth that many weapons would

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be alarming, according to former ATF agents, even for a store the size of Bull's Eye. Moreover, Borgelt hadn't filed personal income tax returns since 1995 and hadn't filed some business tax forms since 1994—this despite $1.5 million in store bank deposits.

Yet despite all the warning signs, ATF didn't shut the store down. It didn't suspend Bull's Eye's license, or put it on probation. It didn't even administer a fine—not one $5 ticket to let the store know that the bureau meant business. Two years later, a $1,600 sniper rifle seems to have disappeared from the store like a pack of M&Ms from a convenience mart, surfacing 3,000 miles away in one of the biggest killing sprees in American history—oh, and one more thing: Bull's Eye is still open for business.

The Feds knew that the gun store was a source of weapons to criminals, yet did nothing. Now 10 people in the Washington, D.C., area are dead.

In the wake of September 11, the CIA, FBI, and INS have all been picked apart for failing to act on information that might have prevented the terrorist attacks. So far, there has been no similar call for investigating ATF, even though experts worry that Muhammad—a member of the Nation of Islam who reportedly considered America a terrorist state—may inspire al Qaeda or other terrorist groups to conduct similar attacks with easily obtained sniper rifles.

But there's a reason you won't see anyone investigating ATF: Its failings are the direct result of actions by the Republican politicians who now control both houses of Congress. At the behest of the National Rifle Association (NRA), GOP lawmakers (and some conservative Democrats) have saddled the bureau with so many legal restrictions that it has little practical power to deter sellers from allowing weapons to flow to criminals. ATF could have cracked down harder on Bull's Eye, but its lack of aggressiveness was precisely what GOP lawmakers had intended. Pro-gun-control Democrats could have made an issue last fall of how Muhammad obtained a sniper rifle, but they remained silent in the face of feared retribution at the polls by the NRA. Now, as the minority party, Democrats have little power to investigate anything, even if they wanted to.

Convenient Lack of Suspicion

Every year, more than 200,000 guns used in crimes are traced back to licensed gun dealers like Bull's Eye. Some are originally purchased by law-abiding citizens and later stolen. Others get sold (inadvertently) by dealers to "straw purchasers" who don't have criminal records but are acting as fronts for criminals. In many other cases, however, gun dealers eager to make an extra buck simply sell firearms to anyone who wants them, skipping background checks and falsifying paperwork to cover their tracks.

Of the 83,000 retail firearms dealers in America, ATF shuts down only about 25 annually. These are the most egregious wrongdoers, dealers caught red-handed fencing stolen weapons or openly selling large numbers of firearms to criminals. Yet these few cases account for only a fraction of the guns that flow to criminals from licensed dealers. The bigger problem stems from hundreds of other dealers who, through laziness, sloppy inventory control, convenient lack of suspicion, or under-the-table shenanigans, wind up arming criminals.

It is these dealers that ATF has virtually no power to control. Though it can shut a dealer down permanently—a fitting punishment only in egregious cases—ATF has no power to temporarily suspend a dealer's license, or impose a fine—steps that might remind a dealer to be vigilant about sales rules. Nor can it audit a gun dealer more than once a year, a rule that assures crooked dealers 364 days to do uninterrupted business. And because of dubious judicial precedent, the bureau's agents can't get a dealer charged with selling to a felon by going undercover and posing as felons.

Worse still, from a law-enforcement perspective, is the fact that federal law treats all record-keeping errors by gun dealers as, at most, misdemeanors—even in cases where ATF can prove that a dealer falsified records. This makes it practically impossible to bring gun dealers to court for record-

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keeping violations, since federal prosecutors, already burdened with more felony cases than they can litigate, usually don't accept misdemeanor referrals.

You'll be hard pressed to find another federal agency that, charged with enforcing laws dealing with legal but potentially dangerous products, must operate under similar handicaps. The Drug Enforcement Administration, which monitors the illegal diversion of prescription drugs, can pursue felony charges against a pharmacy for record-keeping problems; temporarily suspend the license of a problematic pharmacy; and when it has evidence of wrongdoing, mount an undercover approach to determine if a doctor is writing bogus prescriptions or if a pharmacist is illegally dispensing controlled substances. Even the Department of Agriculture, which is notoriously emasculated when it comes to enforcing federal standards, can, after a major food poisoning incident, temporarily stop production at an unsanitary meat packing plant, fine the plant, and re-visit for a new round of inspections in six months.

Reagan's Political Trifecta

Washington has been trying to keep deadly weapons out of criminal hands for almost seven decades. In 1934, alarmed by the violence of organized criminals like Al Capone, Congress passed the nation's first gun-control law, which gave the Treasury Department the power to tax and require owner registration of "gangster-type weapons." In 1938, it passed another measure requiring gun manufacturers and dealers to obtain federal licenses and banning the sale of firearms to known criminals. Thirty years later, in response to rising crime rates and the assassinations of John F. Kennedy, Robert Kennedy, and Martin Luther King Jr., the federal government clamped down further with passage of the 1968 Gun Control Act. Among other things, this law mandated that sellers keep transaction records and prohibited felons, illegal aliens, and a few other categories of people from buying or possessing firearms. In 1972, Treasury designated ATF as a separate agency in the department.

The NRA vehemently opposed the 1968 legislation, which marked the beginning of the association's transformation from its more traditional focus on training sportsmen in gun safety into the anti-enforcement, lobbying superpower we know today. Since 1968, the association has increasingly devoted more resources to waging political fights, and has constantly lobbied to minimize the power of ATF, often breathing fire when speaking of it. During the 1970s as ATF stepped up its policing of gun dealers, the NRA fought back, portraying ATF agents as "jack-booted fascists" and arguing that efforts targeting gun stores and their customers were nothing more than harassment. After all, the NRA argued, criminals don't get their guns from gun stores; they steal them from law-abiding gun-owners.

At the end of the decade, the NRA found a big friend in Ronald Reagan. By being anti-ATF and supporting gun dealers, Reagan could demonstrate that he was pro-gun, pro-small business, and anti-federal regulation—the perfect trifecta for a conservative Republican. The Gipper promised to eliminate ATF, and once in office he moved to make the pledge good. When the NRA reversed its position, fearing that a proposed merger with the Secret Service would make federal firearms authority politically untouchable, Reagan backed the NRA in substituting deregulation for reorganization, signing the 1986 Firearms Owners' Protection Act, which significantly curtailed ATF's enforcement powers against the firearms industry. The law limited the number of times ATF could conduct a compliance audit on a gun dealer to once a year. More importantly, it reduced all record-keeping violations—no matter whether there was one violation or a thousand, and no matter if records were falsified—to misdemeanors, thus entirely removing the threat that ATF could pursue felony charges against dealers flouting record-keeping laws and selling guns to prohibited persons under the table.

Gunning for Reform

Bill Clinton's election began to change the landscape in two ways. First, in 1993 the administration passed, against stiff GOP opposition, the Brady law, which required gun dealers to run background checks on all buyers. The next year, it pushed through Congress legislation banning most new assault-style weapons and prohibiting juveniles from possessing handguns. The NRA responded by declaring war on the president and the Democratic Party. The Democrats lost their majorities in both houses of Congress that year; most political experts credit NRA campaign efforts with several key GOP victories.

By 1995, however, the Brady law was beginning to show results. In its first year, it had blocked 40,000 attempts to purchase firearms by criminals,

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juveniles, and other prohibited persons—evidence that in fact many criminals were looking to gun stores for their firepower. Beginning the next year, the Clinton administration directed ATF to work with local law enforcement to expand the tracing of guns recovered by police, and to invest in new tracing technologies. As a result, ATF discovered that tens of thousands of crime guns actually flowed from licensed retail dealers and pawnbrokers to the streets. Moreover, most of the guns flowed primarily from a small minority of dealers—just 1.2 percent of dealers accounted for 57 percent of those crime gun tracings (ATF shuts down only about one in 40 of these per year).

Lawmakers have saddled ATF with so many legal restrictions that it has little power to deter gun dealers from allowing weapons to flow to criminals.

Believe it or not, these were stunning discoveries, and they demonstrably proved that, despite decades of NRA propaganda, gun stores do play a major role in supplying criminals with guns.

Responding to the information, the White House won big increases in ATF's enforcement and inspector ranks. But to really deter licensed sellers from violating federal laws—as opposed to just arresting them after guns hit the streets—ATF needed powers to encourage compliance: the ability to levy fines, suspend licenses, audit when necessary, and charge dealers with felony record-keeping violations when appropriate. The Clinton administration and a few lone voices in Congress, especially Sen. Chuck Schumer (D-N.Y.), pushed legislation to give ATF this new authority while also requiring background checks at gun shows.

A string of high-school shootings, which peaked with the catastrophe at Columbine High School, gave the legislation enough momentum to narrowly pass the Senate in 1999, with Vice President Al Gore providing a tie-breaking vote. The House passed a weaker version of the Senate bill, and the measure died when efforts to reconcile the two versions went nowhere. Gore's highly publicized vote, according to many political analyses, was a major factor in his loss of West Virginia's five electoral votes in the 2000 election.

In theory, the sniper shootings should have been an occasion to raise again the issue of ATF's limited enforcement powers against dealers supplying criminals with guns. But while debates have raged about whether congressionally imposed restraints on the CIA and the FBI contributed to those agencies' failures to foresee impending terrorist activity, few have asked about similar restraints that might have kept ATF from preventing the terror on the East Coast—even if it had usable information. And it's pretty obvious why. Republicans, as the architects of the current regulatory system, are directly responsible for ATF's limited powers. Democrats, still smarting from the drubbings they took in 1994 and 2000, are understandably nervous about stirring up the gun issue, even though the sniper shootings happened in the thick of an election cycle and captured nationwide attention.

Other than in a few scattered newspaper editorials, the issue of ATF enforcement has stayed off the public radar screen. By and large, people have little clue just what the laws are, and they have no idea how toothless ATF is when it comes to policing gun dealers. Even government lawyers don't know how hamstrung the bureau is. "I've sat in rooms of federal prosecutors—career prosecutors—and ATF people are explaining to them, 'This is the way firearms commerce is governed,'" says David Kennedy, a senior researcher in criminal justice policy at Harvard's Kennedy School of Government, "and the prosecutors don't believe them. It's surreal."

Had ATF been vested with sensible enforcement powers, the world might never have heard of John Allen Muhammad or John Lee Malvo. Had a few political fights turned out differently, the bureau would have been able to fine Bull's Eye for its previous violations, suspend its operations, or pursue felony record-keeping charges. Had the NRA and GOP not worked together to cripple the federal government's ability to enforce gun laws, bullets from that Bushmaster rifle might not have ended the lives of 10 people along the Interstate 95 corridor. Yet despite the dead, the wounded, and the terrified, little has changed politically. If horrors such as these can't spark public scrutiny and political outrage, it's hard to understand what will. ●

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Hollywood and Whine

Why are Democrats helping the entertainment industry stamp out new technologies that fuel economic growth?

BY BRENDAN I. KOERNER

IT'S A POLITICAL TALE AS OLD AS CAPITOL Hill: A lumbering industry selects a certain corporate-friendly party to be its Beltway patsy. In exchange for the requisite campaign donations and other perks, members of said party use their clout to push through the industry's legislative agenda—an agenda that would rip off consumers and harm the overall economy but enrich the corporate string-pullers immensely. Pundits and public-interest types grumble over the bald-faced cronyism, but as long as the money keeps flowing, the beneficiaries don't seem to care a whit.

Sounds like the buddy-buddy relationship between Republicans and the energy industry, right? The characters cited in the above scenario, however, are the Democrats and Hollywood, one of Washington's coziest couples. For years, Hollywood has poured money into the Democrats' campaign coffers and been rewarded with indispensable assistance on the industry's crusade of the moment—squelching new technologies that allow the dissemination of digital content in ways Hollywood can't control. One bill being hatched by Democrats would allow media companies to hack into networks like KaZaA, a file-sharing service which has replaced Napster as the most popular MP3 clearinghouse on college campuses. Another would outlaw high-tech devices that don't come equipped with government-approved hardware to make it impossible to copy digital media. And yet another would strip consumers of the right to play their legally purchased CDs on multiple devices. The Democrats' Pavlovian alignment with the grossest impulses of the entertainment industry was even written into the Democratic platform back in 2000, when the party urged "all steps necessary" against the leakage of copyrighted materials—a plank pushed on them by Hollywood.

From a purely pragmatic standpoint, this eagerness to support Hollywood's technophobia is easy to understand. The Republicans recently achieved total control of the government by back-scratching Big Oil, Big Pharma, and their ilk. The GOP's dominance, plus strong-arming from congressional leaders like Rep. Tom DeLay (R-Texas), has virtually grafted the corporate-money spigot to the Republican Party's bank account. A recent *Washington Post* analysis of the contribution patterns of 19 major industries, from liquor to health care, found that while those sectors split their contributions roughly 50/50 between Republicans and Democrats a decade ago, today they favor GOP candidates by nearly a 2-to-1 margin, which puts the Democrats at such a huge monetary disadvantage as to make them pathetically dependent on the few sources of campaign dollars they still have. The entertainment industry knows this well and is using its leverage accordingly.

As a matter of simple survival, then, Democrats

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would seem to have no choice but to carry Hollywood's water. But in fact, something like the opposite may be true. Democrats simply can't rent themselves out on as many issues as the GOP, and to attempt to do so will close off other, more rewarding avenues. Democrats lost the midterms, after all, largely by failing to offer a convincing alternative to the Bush administration's economic policy—a policy that consists of little more than handouts, subsidies, and protections to existing corporations, from tariffs for the steel industry, to anti-trust relief for Microsoft, to leaving emerging broadband providers to the mercies of the Baby Bells. Instead of helping Hollywood, Democrats can help themselves—and the country—by pointing out that such bought-and-paid-for policies are a recipe for long-term economic decline. Only by offering an alternative economic vision that promotes competition, innovation, and entrepreneurship can Democrats hope to rebound. But that's awfully hard to do when they're helping Hollywood stamp out the very technologies that will fuel long-term economic growth.

Movie industry lobbyist Jack Valenti once dubbed the humble VCR "the Boston strangler" of electronic devices. Now he's out to kill the CD burner.

Broadband and Garage Bands

That Hollywood prefers to dine with Democrats isn't news. Save for a few notable exceptions—Arnold Schwarzenegger may head the GOP's gubernatorial ticket in California four years hence—the industry's major players have skewed slightly leftward for decades, especially on issues like abortion and the environment. It was sitcom powermeisters Harry Thomas and Linda Bloodworth-Thomas who burnished candidate Bill Clinton's powerhouse media persona during the 1992 elections; more recently, fundraising dynamo Barbra Streisand seemed on the verge of hara-kiri after last November's election catastrophe. Of the $30 million-plus that the TV, music, and movie companies spread around during the 2002 election cycle, nearly 80 percent of that sum went to Democrats—an unusually high percentage, even by Hollywood's standards. Of the top 20 recipients, only three were Republicans and only one—Noel Irwin Hentschel, a Bel Air businesswoman who got stomped during a special election—made the top 10. That snazzy $28 million overhaul of the Democratic National Committee's headquarters? It wouldn't be possible without a record $7 million donation from Haim Saban, the TV producer of "Mighty Morphin' Power Rangers" fame.

Payback has come in the form of several bills designed to clamp down on the free exchange of copyrighted music and movies, which entertainment companies deem the greatest threat to their future well-being. The most contentious of these measures is the Consumer Broadband and Digital Television Promotion Act (CBDTPA), sponsored by South Carolina's Sen. Ernest Hollings, which actually has zilch to do with promoting broadband. Along with placing new restrictions on the importation of foreign software, the Hollings bill would criminalize the sale of any digital hardware that doesn't come equipped with government-approved copy-protection controls. CD burners, DVD recorders, MP3 players, even Palm Pilots—all will be illegal unless their manufacturers are willing to render them incapable of making unauthorized duplicates. But Hollywood's definition of "unauthorized" is distressingly broad, encompassing actions usually regarded as integral to consumers' fair-use rights (such as recording a pay-per-view movie for private viewing).

Then there's Rep. Howard Berman's now-notorious H.R. 5211, a bill that would make it legal for entertainment companies to hack Napster-like music-swapping networks like Morpheus or BearShare. Or Sen. Joseph Biden's Anticounterfeiting Amendments of 2002, which would make it a felony, punishable by up to five years in prison and a $25,000 fine, to alter or forge digital watermarks, the electronic ID tags embedded in CDs and software. So if you should one day buy a new MP3 player that'll only play files with certain watermarks—say, those that denote approval of the Recording Industry Association of America—you'd have to break the law to make a non-watermarked recording of your garage band's "Freebird" rendition compatible with the device—even if that music was perfectly legal in the first place.

These bills are odious for many reasons, begin-

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ning with their blatant disregard for long-standing intellectual property rights. Copyright holders, for example, currently have no say over private performances of music or film—if I want to play the new DJ Assault disc on my laptop during the day, and then again in my stereo at night, I'm perfectly within my legal rights. But if Biden's bill becomes law, music labels could imbue their products with watermarks that would limit playback to certain devices. Changing a watermark, even if only to play your own jug band's basement recording, could mean time in the federal slammer. Hollings' bill would similarly diminish consumer rights by making it virtually impossible for people to copy digital media, even for uses now considered legitimate, such as creating a hard-copy recording of a TV show, or transferring a movie from an analog source (that is, an old VHS tape) to a digital one.

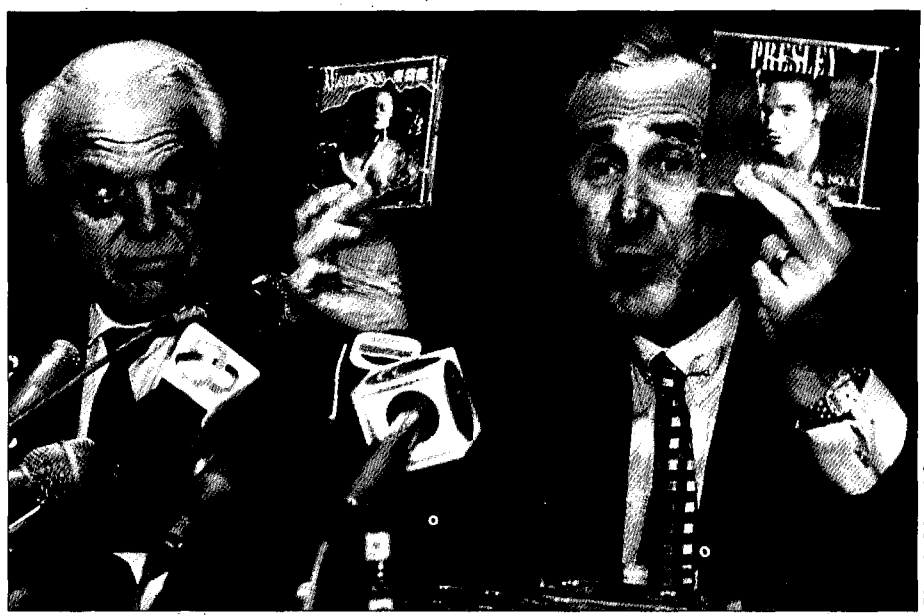

Photo by Manuel Ceneta

Entertainment industry lobbyists Jack Valenti and Jason Berman decry pirated CDs and movies at a news conference.

The Clone Wars

These proposed laws are bad enough for consumers. But the greater evil is their long-term impact on economic growth. By yielding to Big Entertainment's every whim, Democrats are harming an industry that promises to be a much greater engine of growth—Silicon Valley. Consumers demand such high-tech hardware as computers and TiVos precisely because they want to be able to take advantage of new technology and record TV shows, burn CDs, and swap MP3s, regardless of whether Hollywood deems such activities predatory. To give an idea of the promise this holds for new businesses, MP3 vendor SONICBlue, for example, had sales of $300 million in 2001 (without spending a penny on advertising). What Democrats tout as "anti-piracy measures" would strip these devices of their most marketable qualities, or at least make it illegal for consumers to use them to their hearts' content. "Any attempt to inject a regulatory process into the design of our products will irreparably damage the high-tech industry," testified Intel vice president Leslie Vadasz before the Senate Commerce Committee last March. "It will substantially retard innovation, investment in new technologies, and will reduce the usefulness of our products."

Though there's an element of Hollywood hyperbole to Vasdasz's alarms, it's worth noting that Silicon Valley's economic health is more vital to the nation than its relatively modest Beltway presence might indicate. The tech industry's annual revenues are more than 10 times those of Hollywood's, and it creates jobs across a much wider spread of the country. While Big Entertainment continues to be centralized in New York and Los Angeles, high-tech has roamed much farther afield from its Northern California roots, from Washington (Microsoft) to Texas (Dell) to Virginia (AOL).

Just as important, Silicon Valley has its own crusade, and one that inevitably conflicts with Hollywood's: the widespread adoption of high-speed Internet connections, which just 12 percent of American homes have today. The rationale is simple: Faster connections mean more productivity, and thus more demand for software and services. As Robert Crandall of the Brookings Institution noted in a report last year, even a modest upsurge in the number of homes equipped with broadband access would add $500 billion to the gross domestic product. So far, however, consumers are balking—because there's no "killer app" yet to convince them to spend $50 month on broadband access. What kind of killer app do

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consumers want? Movie and music downloads, the report concludes, that are "readily available, easily understood, and offered at reasonable prices."

Despite consumers' eagerness, however, Hollywood has been unwilling to respond to the competition offered by Napster and its descendants, preferring instead to enforce the status quo through crudely wielding its political clout. The industry has made a few token gestures, such as setting up its own file-sharing services like MusicNet and FullAudio. But perhaps unsurprisingly, these have failed, largely because they adhere to inflexible subscription models—pay a flat fee per month for a set number of songs from a limited roster of artists. So broadband growth remains relatively stagnant, especially compared to that in other Western nations such as France and Sweden, which have promised universal broadband access by 2005.

Hollywood argues that such suppression of emerging technologies is mere self-preservation. No movie studio will invest $100 million in the next Michael Bay blockbuster, the argument goes, if consumers will just end up downloading it for free, then burn DVD copies for 1,000 of their closest friends. The industry's survival depends on people's willingness to plunk down $9 for a movie, or $17.99 for the latest Britney Spears CD. Make that content freely available, say entertainment executives, and they will have no incentive to invest in expensive projects.

This may seem logical, but it's really just a tired retread of the industry's traditionally Luddite attitude toward new technologies—an attitude that has been proven time and again to be foolish. First it was the advent of the player piano in the early 1900s, which was cast as the certain end of the music business—if no one needed sheet music anymore, how would the nascent industry generate any revenue? Later the alarm was over the proliferation of cheap audiocassette recorders—why would anyone still buy music if they could just tape songs off the radio? More recently, during the late '70s and early '80s studio execs insisted that the VCR that would destroy box office receipts. Jack Valenti, president of the Motion Picture Association of America (MPAA), famously characterized that humble instrument as "the Boston Strangler" of electronic devices. Yet since the Supreme Court ruled in favor of the nascent VCR industry in its landmark *Betamax* decision—

Remote Controlled

By Ben Fritz

VIEWERS BEWARE: ACCORDING to Hollywood, if you've ever hit fast forward on a VCR or used the mute button on a TV, you're a thief. "Your contract with the network when you get the show is you're going to watch the spots," Jamie Kellner, the CEO of Turner Broadcasting, said in a recent interview with trade publication *CableWorld*. "Otherwise you couldn't get the show on an ad-supported basis. Any time you skip a commercial ... you're actually stealing the programming."

Crazy though Kellner's argument may sound, it's not too far off from the one being made in a lawsuit against ReplayTV, a company which, like its better-known competitor TiVo, makes digital video recorders for home use. While these products have been slow to penetrate the market, ReplayTV's new line of recorders includes a feature that has Hollywood up in arms: With the simple push of a button, you'll never have to watch commercials on a recorded program again. Ever.

To the plaintiffs in this case, which include all six broadcast networks, several cable channels (including those run by Turner), and most major entertainment conglomerates, commercials are not just their chosen method to generate revenue, but something viewers have a responsibility to watch. While they're willing to cut a little slack to those of us who have gotten up to relieve ourselves during a commercial break—"There's a certain amount of tolerance for going to the bathroom," says Kellner—Hollywood executives apparently believe that turning on an episode of "Friends" contractually binds us to sit through the latest spot for McDonalds. This argument, however, didn't fly back in 1984, when the Supreme Court's *Betamax* decision gave consumers the right to record programs (including the right to fast-forward through them). So this time around, Hollywood has rested its legal case on the qualitative difference between ReplayTV's "Commercial Skip" and a fast forward or mute button. While the latter two can potentially be used for all sorts

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affirming the legality of technologies that have substantial legitimate applications—Hollywood hasn't exactly suffered. The studios figured out how to milk money from the new market by partnering with Blockbuster and other chains, and home rentals now account for more than $16 billion of Hollywood's annual revenues—almost double those from box office receipts.

Yet once again, moguls are warning that a new technology will destroy the creative impulse. In November, for example, *Star Wars* producer Rick McCallum went so far as to equate the fight against file-sharing to the hunt for al Qaeda, telling an Australian audience that the effort to thwart illicit movie downloads needs to be "as concentrated an international event as the war on terrorism." He went on to claim, without substantiation, that the music business had already lost 50 percent of its revenues due to Napster and its descendants.

There was a good reason for McCallum's failure to footnote: the figure is entirely bogus. Forrester Research estimates that music sales have dropped off only 15 percent over the past two years, and that the decline had little to do with music downloads. "There is no denying that times are tough for the music business, but not because of downloading," says John Bernoff, a principal analyst at Forrester. "Plenty of other causes are viable, including the economic recession and competition from surging video game and DVD sales." Of course, digital technology may eventually cut into Hollywood's revenues (welcome to the wonderful world of capitalism). But the damage will likely be nowhere near the levels predicted by Hollywood alarmists. Stan Liebowitz, a professor at the University of Texas at Dallas School of Management, recently published a comprehensive estimate of how free MP3s will affect the recording industry's bottom line which predicts as a worst-case scenario that sales will drop by 20 percent. "I wonder how far we, as a country, would be willing to go to protect the record industry from a 20 percent decline in business," he says. "Are recent proposals such as the Berman bill, which would allow record companies to tamper with other people's computers, going too far? My own view is that such proposals are going too far."

Moreover, as Forrester's Bernoff points out, that 20 percent figure presumes that Hollywood does

of harmless purposes, they argue—like skipping ahead on a home video or turning the sound off on a show to answer the phone—the ReplayTV technology exists only to block commercials. ReplayTV thus alters network content—a violation of copyright law, says Ron Rauchberg, an attorney representing the plaintiffs. "They're making copies of our material and delivering it to consumers so that they can make money by cutting out the commercials."

The plaintiffs believe that if ReplayTV and future knock-offs spread, it could spell the end of their business. But that's the same claim they made 20 years ago at the dawn of the VCR. Instead of financial disaster, the *Betamax* decision brought billions of dollars into Hollywood by helping open new markets for videotape rentals and sales. And digital technology seems likely to open up new markets of its own. Video-on-demand, most notably, could potentially reshape the way we watch TV. Already, a few million digital cable users can order films to watch at home whenever they want, eliminating the need to drive to Blockbuster or wait until a pay-per-view showing begins. There's no reason that same model couldn't extend to every program on TV. Would you be willing to pay 50 cents to watch "The Simpsons" commercial-free, whenever you wanted?

Nor does digital recording signal the end of advertising. The "Survivor" series, for instance, presents a partial model for the future of TV advertising, populated as it is by brands such as Doritos and Target, which pay to be featured in the show. The "contract" that compels viewers to watch 30-second spots seems less compelling—literally—as the shows themselves become more like ads.

Despite such possibilities, the broadcast networks and most cable channels seem unwilling to wean themselves from the 30-second advertisement model that has supported television for decades. Faced with the option of radically altering the way they do business or paying lawyers to try prevent that day from coming, the nation's media conglomerates have chosen the latter. Rauchberg's reply, when asked about other options for making money from ReplayTV technology, is revealing: "It's not up to ReplayTV to force us to adopt a new business model, even if we could," he said. It is the very nature of capitalism that new technologies advanced by young companies, like ReplayTV, inevitably force old industries to adapt or die. But the entertainment industry has its own rule: Don't adapt—sue.

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nothing further to adapt to the new competitive environment. "[Record] labels will soon discover that there are several simple ways of satisfying today's sophisticated digital music consumers," he says, such as allowing per-song "micropayments" and the sort of computer-to-MP3-player transfers that current Democratic bills would stifle. Indeed, Hollywood's sky-is-falling shtick has more to do with opportunism than genuine fear. "The folks making the presentation to [Democrats] are obviously sugar-coating this as being all about copyright protection, and crying wolf that Napster is at the door," says John T. Mitchell, legal director of Public Knowledge, a public-interest group that tracks digital-rights issues. "But a lot of the solutions being offered don't really have as their objective copyright protection. They're designed to restrain perfectly lawful uses, in order to extract more compensation from the public."

Reading Hollywood's Script

Yet the Democrats continue to parrot the Hollywood line. Last February, for example, in a prelude to the introduction of his digital watermarking bill, Biden issued a 52-page report entitled "Theft of American Intellectual Property: Fighting Crime Abroad and at Home." Arguing that the entire entertainment industry will collapse "if technological advances [are] left unprotected," Biden wrote that "software piracy alone cost the U.S. economy over 118,000 jobs and $5.7 billion in wage losses" in 2000 alone. And where did Biden get these eye-popping figures? The Business Software Alliance, a Microsoft lobbying group whose statistics should be taken with a grain of salt. Not only do the alliance's numbers pertain to software rather than music or movies, they also assume that every pirate would purchase a copy if their free access was curtailed. The flaw in the logic here is easy to spot—it's as if *The Washington Monthly* contended that everyone who read a friend's copy of the magazine counted as a lost sale.

The concern over lost jobs is particularly ludicrous, given that Hollywood has avidly embraced digital technologies, such as the filmless cameras that shot the latest installment of *Star Wars*, in part because they can streamline the production process, and thus production budgets. Yet industry trade groups like the RIAA insist that their anti-piracy campaigns are all about protecting low-tier jobs and fledgling artists, an argument that's wormed its way into the patter of congressional Democrats. In a speech to the Computer and Communications Industry Association last June, for instance, Berman offered a Left Coast version of the trickle-down argument much beloved by Republicans: "Internet piracy threatens the jobs of the session musicians, actors, carpenters, seamstresses, writers, photographers, retailers and other folks in my district."

Berman is either being deceptive or naive. Take session musicians, whom the recording industry has been trying to shove into extinction since the advent of the synthesizer. Where was Hollywood's outrage when cheap Roland and Yamaha multi-instrumental keyboards began supplanting live musicians in the 1970s, especially for such life-sustaining gigs as commercials and film scoring? It wasn't in the industry's interest to play the anti-technology populist card back then. Berman's plea also assumes that the entertainment industry must forever be dominated by a small handful of conglomerates, the equitability of whose revenue distribution can charitably be described as abysmal. Music's infamous "Rule Number 4,080"—"Record company people are shady"—is as true today as it was in the 1950s, when top acts were kept in virtual indentured servitude. According to an October *New York Times* breakdown, an artist who racks up album sales of $17 million may end up with just $70,000 once the various producers, studios, flacks, and managers have taken their cuts. The Internet is actually good for struggling musicians, providing a means of alternate distribution and publicity that allows them to sidestep the major-label racket. As singer-songwriter Janis Ian recently wrote in a *USA Today* op-ed, "musicians, especially those without a major-label contract, can reach millions of new listeners with a downloadable song, enticing music fans to buy a CD or come to a concert ... they would have otherwise missed." And straight-to-computer recording tools are negating the need for expensive studio time or overpaid producers. Musicians don't need to make platinum to make a living when their per-record haul is closer to 80 percent than 0.4 percent.

The Democrats and Hollywood shouldn't treat file-sharing and related technologies as vulgar theft, but as the leading edge of an emerging new market. If consumers are willing to pay seemingly exorbitant fees for gizmos such as DirecTV, wouldn't it make sense that they'd gladly shell out a reasonable amount for monthly access to new music and movies? Early adopters like college kids may be enamored of swiping free content, but a nation that can't program its VCRs isn't likely to have the patience for dealing with KaZaA's buggy software and frequent hiccups. As a

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KPMG study noted last November, the energy that Hollywood wastes on cajoling politicians would be better directed toward figuring out how to pipe new services into homes. It might force labels to slash prices on those Britney CDs, but it would also bring delivery costs down dramatically. On the other hand, far fewer homes will crave broadband connections if they know that, should Berman's file-sharing bill pass into law, their computer could be hacked if it's suspected of being a "server" for a music-swapping network.

Hollywood Upending

Instead of blindly kowtowing to the anti-competitive demands of Hollywood, the Democrats could make real political gains by encouraging innovative compromises that recognize the crucial role that content can play in promoting broadband. One idea that merits further study is the Intellectual Property User Fee (IPUF), a small surcharge on ISP accounts akin to the taxes on telephone bills that support universal phone service. This money could then be used to compensate Hollywood for its "generosity" in letting flourish the file-sharing services that will drive broadband's growth—growth that, in turn, will eventually provide a new market for Hollywood's content. Economically, it's a win-win situation.

Even if entertainment companies balk at such communal solutions, and threaten to withdraw their financial support, the Democrats should resist being bullied. Hollywood's lobbying might is vastly out of proportion to its political usefulness, especially to a Democratic party that desperately needs to make inroads in red-state America. The entertainment industry is widely despised as both greedy and amoral in Bush country, where few workers earn their paychecks from music or movies. In Washington, there may be a certain *je ne sais quoi* to having Susan Sarandon grace your fundraiser, but Hollywood is small potatoes when it comes to the economic well-being of the typical American voter. Indeed, caving to Big Entertainment will only make it easier for Republicans to level charges of hypocrisy every time a Democrat inveighs against corporate avarice. Millions of voters couldn't care less about caribou habitats in ANWR. But imagine the reaction when they learn that Big Entertainment wants to make it harder for them to record nightly reruns of "Friends."

More importantly, the Democrats' traditional support in Silicon Valley is also at stake. The GOP already outscores the Democrats by approximately 20 percentage points on most lobbyist scorecards of "tech-friendly votes"—especially those that tend toward the laissez-faire end of the spectrum. But the Republicans' perceived stuffiness on social issues has prevented them from monopolizing geek support. In the 2002 election cycle, the industry's contributions split just about evenly between the two parties, and the techie rank-and-file is usually acknowledged to be solidly in the blue. The Republicans are keen to change this, a task made far easier by the Democrats' capitulation to Hollywood.

Democrats can help themselves, and the country, by offering an alternative economic vision to Bush's crony capitalism. But that's hard to do when they're carrying Hollywood's water.

In short, the Democrats can afford to lose some Big Entertainment support, since they'll likely pick up additional fans in Silicon Valley by embracing tech-friendly policies. More importantly, toning down the pro-Hollywood act in favor of a more far-sighted technology policy could help the Democrats earn the precious title of "The Party That Made Broadband Happen"—or, more broadly, "The Party of Economic Growth." The political benefits of that title should be obvious: Is it better to help add $500 billion to the GDP, or to ensure that Sony Records honcho Tommy Mottola can afford his $45-million Manhattan townhouse? There's little question as to which most voters would prefer.

The last time the Democrats triumphed, it was all about the economy, stupid. That message could still work in 2004, but only if the party wises up to Hollywood's self-serving role in curbing broadband and, in turn, stifling greater economic prosperity for those living outside the 90210 zip code. Hollywood, in its attempts to outlaw digital technology, has been compared to a dinosaur shaking its claw at the approaching comet. Note to the Democrats: The dinosaurs got creamed.

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Deep in the Heart of Darkness

Under George W. Bush, the worse of two Texas traditions is shaping America.

BY MICHAEL LIND

WHEN LYNDON JOHNSON WAS president between 1963 and 1969, the world grew familiar with the "Western White House"—the Johnson ranch on the Pedernales River west of Austin, in the heart of his beloved central Texan hill country. Three decades later, newly elected President George W. Bush began hosting foreign leaders and American officials at his own ranch—this one north of Austin in Crawford, Texas. To make sure that television audiences got the point, Bush aides hung a pompous "Western White House" seal at the town's elementary school when briefings were held there. Although Bush was ridiculed in the liberal press as a phony rancher—and indeed, many of his activities on the ranch, like ostentatiously clearing brush in the heat of midsummer or signing bills in front of neighbors seated on hay bales, were publicity stunts—there could be no doubt that Bush was an authentic cultural Texan. Although born in New Haven, Conn., George W. Bush grew up in West Texas, absorbed the Texas folk culture, and in most ways is as authentically a Texan as was Johnson.

Two ranches, two Texans, two presidents—yet in governing philosophy, Johnson the Great Society populist could hardly be more different from Bush the corporation-friendly cutter of taxes for the wealthy. The contrast reflects, in part, certain obvious differences between the men; they are of different eras, political parties, and family backgrounds (Johnson's origins were as modest as Bush's were patrician). But less obviously, the two Texas presidents represent two entirely different Texas political traditions, entwined in conflict inside a single border and reflected in the differences between Johnson's hill country and Bush's Crawford. The dominant culture in much of the hill country has always been that of German-American settlers, many of them descendants of German liberals and socialists of the early 19th century who fled from repression in Europe. In a state dominated by Southern Democrats, many Central Texans supported Lincoln and the Union during the Civil War and voted later for the progressive Republicans Theodore Roosevelt and Robert La Follette. The historic presence of Southern Populists, black freedmen and the Mexican-American community of San Antonio, alongside the Germans, explains why Johnson Country has long been more like a progressive prairie state than the rest of Texas.

And although Bush, a West Texan, was a newcomer to Crawford when he bought his ranch there in 1999, in political terms, Crawford was already Bush Country. The white voters of McLennan County, although not its numerous black and Latino residents, were among the strongest supporters of Bush in both his gubernatorial and presidential campaigns. What is more, since the years before the Civil War, McLennan County has been identified with the intense economic, racial, and religious conservatism of yesterday's Southern Democrats who are the political and sometimes lineal ancestors of today's Southern Republicans.

Cultural geography is of little use in analyzing the

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personalities of politicians—but it is indispensable in understanding their politics. Political leaders are shaped by many influences, but to be successful they must necessarily reflect the values of their neighbors and constituents; if they did not, they would never have risen to high office. Lyndon Johnson grew up in a region shaped by German-American Unionism, liberalism, and anti-slavery sentiment, which does much to explain the remarkable differences between these radically different presidents from Texas. George W. Bush is a product of the Deep South tradition of the cotton plantation country, transplanted to the West Texas oil region.

More important, it explains the particular flavor of conservatism that, following the GOP's sweep of Congress this fall, now rules Washington. To a degree that has not been the case since the mid-20th century, when Johnson led the Senate and Sam Rayburn the House, a Texan political culture dominates national politics. But it is not the Texas of Johnson and Rayburn that is ascendant today. It is, rather, the Texas of Bush, Dick Cheney, Tom DeLay, and Dick Armey. Even in the Northeast and Midwest, older, rival conservative traditions—the conservative progressivism of the New Englanders, the isolationist and protectionist conservatism of the Midwest—have been replaced by a recognizably Texan (and broadly Southern) conservatism that unites belief in minimal government at home and bellicosity abroad with religious fundamentalism. Indeed, it is no exaggeration to speak of the Texanization of the American right as a whole. And although they influenced the administrations of Reagan and the elder Bush, as well as the House of Representatives after the Republican takeover in 1994, it was not until George W. Bush became president and the vast machinery of the executive branch passed into their hands that the Texan traditionalists and their allies had the power to shape national policy. George W. Bush is neither the first conservative president, nor the first Texan president. But he is the first conservative Texan president, and that makes a huge difference.

Cotton vs. Microchips

Texas New Dealers like Johnson and Rayburn, along with technology-embracing reformers like Ross Perot and Bobby Ray Inman, represent the Texas modernist tradition. This Texas is a society eager to embrace the Space Age and the Information Age. The wealth of this Texas is based on the knowledge embodied in science and technology and disseminated by education. This Texas is led, not by good-old-boy businessmen and political demagogues, but by a visionary and earnest elite of entrepreneurs, engineers, reformist politicians, and dedicated civil servants, many of them self-made men and women, often with backgrounds in the military. The economy of this Texas is radically different from that of the other Texas—a high-tech state-capitalist economy, in which government, business, and universities collaborate to promote innovation in computer science, biotech, and other cutting-edge fields, and in which public institutions supply needed investment capital, and expertise in the absence of a native, world-class entrepreneurial bourgeoisie. The leaders of this Texas usually share the pro-military ethic of their rivals and indeed are more likely than the oligarchs and their

Art by Ben Lafontaine

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hirelings, the demagogues, to have served in the military. But the preferred society of these Texans is a broadly egalitarian meritocracy, not a traditional social order stratified by caste and class. Even if they are exclusively of Southern descent, they have little if any sense of Southern identity and no loyalty to the South as a region. They are sentimental nationalists for whom Texan patriotism is wholly fused with American patriotism. They believe that an activist federal government—in the right hands—is an important ally of ordinary Texans.

The Texas of conservatives like George W. Bush and his predecessors is something very different: a society with a primitive extractive economy based on agriculture, livestock, petroleum, and mining, whose poorly educated workers lack health protection and job safety. In this Texas, low wages and inadequate spending on public goods like education and pollution abatement are considered a source of comparative economic advantage. This Texas is a toxic byproduct of the hierarchical plantation society of the American South, a cruel caste society in which the white, brown, and black majority labor for inadequate rewards while a cultivated but callous oligarchy of rich white families and their hirelings in the professions dominate the economy, politics, and the rarefied air of academic and museum culture. This elite tends to be worldly and aristocratic in its attitudes, the working-class majority religious and fundamentalist; both the elite and the majority in this Texas share a profound social conservatism and an attachment to military values unknown anywhere else in the English-speaking world, except in other Southern states. The inhabitants of this Texas are deeply localist and tend to view Washington, D.C., as the enemy.

Geographically and politically, Texas is the westernmost extension of the Deep South. For generations, its economy was based on cotton, picked by a black labor force that was first enslaved and then segregated. The society of East Texas, like that of the Deep South states, was biracial and hierarchical. East Texas had nothing in common with Plains states like Nebraska or Southwestern states like New Mexico or Arizona. It was a clone of the society of Alabama, Mississippi, Georgia, and northern Florida (but not Louisiana, with its unique Cajun element). Texas, a pluralist society in its origins, has become pluralist again as the result of immigration from other parts of the United States and around the world. Texas was not merely part of the South, however, but part of the Deep South during the Confederate Century between 1876 and the 1970s. The Confederates in Texas and similar Southern states lost the Civil War, but by means of terrorist violence they drove out Federal troops and defeated Reconstruction. In the territory of the former Confederacy they created a de facto Confederacy, with the economy of a non-industrial resource colony, the social order of a racial caste society, and the politics of a one-party dictatorship. The Confederate order in Texas was undermined by the New Deal and shattered by the civil rights revolution. But the Confederate tradition continues to influence politics in Texas and, through Texan conservatives in Washington like President George W. Bush, the nation and the world. And that tradition is reflected in the Bush administration's economic, social, and foreign policies.

Southernomics

During the 2000 presidential campaign, many Americans believed that Bush's slogan of "compassionate conservatism" and the appointment of Colin Powell, a self-described "Rockefeller Republican," as secretary of state signaled a shift by the second President Bush toward the political center. Instead, in his first two years in office, Bush was the most rigidly dogmatic conservative ideologue in the White House since before the Great Depression. What distinguished him from his father and Reagan, however, was not his free-market economic agenda. After all, conservatives of various persuasions, along with libertarians who reject conservative social views, supported the large tax cut enacted by Congress in 2001, as well as the administration's support for the partial privatization of Social Security and school choice. But these familiar issues of the conservative/libertarian right were not what gave the Bush brand of conservatism its unique flavor. Although Bush's ancestors were Northeastern, the culture that shaped him was made in Texas—a culture that combines Protestant fundamentalism and Southern militarism with an approach to economics that favors primitive commodity capitalist enterprises like cotton and oil production over high-tech manufacturing and scientific R&D. For generations, this synthesis has retarded the social and economic progress of Texas.

In truth, southern conservatives had never accepted the terms of the mid-20th century social contract known as the New Deal. In the realm of political economy, these Southern reactionaries preferred the Old Deal that had existed between the end of Reconstruction and the Great Depression: a laissez-faire economy with minimal federal regulation. These anti–New Deal conservatives have always believed that the poor, instead of being protected by a government safety net, should rely, as they had done before 1932, chiefly on religious charity and private philanthropy. (Dick Armey, a Republican representative from Dallas, spoke for this faction when, in his 1995 book *The Freedom Revolution*, he compared Franklin Roosevelt to Stalin and Mao; at the time, Armey was the second

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most important leader in the House of Representatives.)

It was during the 1970s that Southern counter-revolutionaries first began to win important victories in national politics—ironically, by exploiting one of the proudest achievements of the New Deal, the industrialization of the agrarian periphery. By means of the Tennessee Valley Authority (TVA) and its Central Texan equivalent, the Lower Colorado River Authority (LCRA), Franklin Roosevelt and his allies and protégés like Lyndon Johnson brought modernity along with electricity to vast stretches of the backward South and West. Tragically, however, the New Deal Democrats who successfully modernized the South and the West inadvertently gave Southern and Western conservatives an advantage in both politics and political economy in the final quarter of the 20th century. By creating an industrial infrastructure throughout the country, the New Dealers eliminated a major disadvantage of the South and the West. This they had intended to do. But they also gave the low-tax, low-wage states of the South and the West an advantage in competing with the old industrial Northeast for footloose industries.

Economies based on commodity exports, like that of traditional Texas, suffer from wild oscillations caused both by nature and markets. Consequently, instead of rewarding long-range planning and investment and careful design of the sort necessary in manufacturing, such economies encourage a combination of fatalism and speculation. The confusion of capitalism with gambling on the part of the Texan oligarchs, while it has yielded some spectacular fortunes and memorable parties, also produces titanic bankruptcies and business failures. The Texas real estate boom of the 1980s was a typical speculative bubble augmented by unethical business practices. It is significant that the epochal collapses of Enron and Worldcom in 2002 occurred to companies headquartered, respectively, in Houston and in Clinton, Miss.—and that each company's growth strategy combined good-old-boy politicking with bluffing and swindling on a heroic scale.

The close connection between the Bush family and Enron began in 1988, when president-elect Bush lobbied the government of Argentina on that company's behalf. Enron's CEO Kenneth Lay co-chaired the 1990 J-7 economic summit and joined President Bush's Export Council; as co-chairman of Bush's reelection campaign, he served as chairman of the host committee of the Republican Convention in Houston. After Bush was defeated by Bill Clinton, two senior members of his administration—former Commerce Secretary Robert A. Mosbacher and former Secretary of State Jim Baker—were hired by Enron, which also elected Texas Sen. Phil Gramm's wife Wendy to a company directorship. Previously Wendy Gramm had been chair of the Bush administration's Commodity Futures Trading Commission, which in 1992 created a legal exemption that enriched Enron by permitting it to trade energy derivatives; after she joined the Enron board, her husband—who had received $100,000 from Enron in campaign contributions—supported laws in 2000 that exempted it from important financial reporting requirements.

Lay, who had become one of George W. Bush's top fundraisers during his successful 1998 campaign for the Texas governorship, ensured that Enron was the largest corporate contributor to the Bush presidential campaign. Vice President Dick Cheney, a Texas oil man like Bush (in spite of his specious Wyoming residency), had himself held an interest in Enron and run the Halliburton Company that built Enron Field in Houston (home of the Astros). Bush appointed Thomas White, who was vice-chairman of Enron Energy Services while it is alleged to have hidden $500 million in losses, to be secretary of the army.

If Texan state capitalism is represented by the New Deal-era LCRA, Texan crony capitalism is symbolized by Enron, another enterprise that specialized in providing energy to the public. Crony capitalism is the evil twin of state capitalism in developing areas like Malaysia, Mexico, and Texas, in which government, for good or bad, performs many of the functions undertaken in more conventional capitalist communities by a native entrepreneurial elite of investors and inventors. The "good ole boy" network was not an abuse of traditional Southern capitalism; it was traditional Southern capitalism. Bourgeois capitalism is alien to Texas and other Southern states. Instead of bourgeois capitalism, there has been a rivalry between aristocratic commodity sector capitalism, financed by private investors outside of the region, and a technocratic state capitalism that comes in both civilian and military forms. Crony capitalism is the only kind familiar to the Southern oligarchs, descendants of planters who could not balance their books and knights who despised mere trade. The lesson of the Enron and WorldCom scandals is not that capitalism is inherently unworkable. It is that capitalism only works where there are capitalists.

That Old Time Religion

If George W. Bush's economic program was rooted in Texan crony capitalism, his religious values and views were those of a declining but aggressive minority of Americans: Southern "Bible Belt" fundamentalists. In 2000, Bush received an overwhelming majority of the votes of the shrinking minority of white Protestants and

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Catholics who attend church regularly and hold traditional religious beliefs. Outside of the business community, his political base was concentrated among Southern "born-again" Protestants. Bush was one of them. And his zeal was shared by other leading conservatives. Tom DeLay, the U.S. representative from Houston who was the House majority whip, told the congregation at First Baptist Church of Pearland, Texas, on April 2, 2002, that President Clinton had to be impeached because he had "the wrong worldview." DeLay reassured the Baptists that God was using him to promote "a biblical worldview" in American politics and warned the congregation to send its children to schools where they could obtain a "godly education."

Hostile to the world and encapsulated in its own subcultural network of institutions, Southern Protestant fundamentalism at the beginning of the 21st century had hardly changed from the 1920s, when it took on its present form. Beginning in the 1970s, Jerry Falwell's Moral Majority and later Pat Robertson's Christian Coalition mobilized the so-called religious right—really the white Southern Protestant fundamentalist right, most of whom in previous generations had been conservative Democrats. Although genuine fundamentalists amount to no more than around 5 percent of the U.S. population, the high turnout of religious-right activists in Republican primary elections enabled them to capture the Republican Party by the 1990s.

The mastermind of Bush's faith-based public policy initiative was an eccentric figure named Marvin Olasky, a journalism teacher at the University of Texas. Like many neoconservatives, Olasky was an ex-leftist. Born Jewish, the son of a Hebrew teacher in Boston, Olasky flirted with communism before converting to Protestant fundamentalism. Olasky held "biblical" views about women, explaining in a newspaper article about the biblical story of Deborah and Barak, "God does not forbid women to be leaders in society, generally speaking. As in the situation of Deborah and Barak, there's a certain shame attached. I would vote for a woman for the presidency, in some situations, but again, there's a certain shame attached. Why don't you have a man who's able to step forward?" Bush's domestic policy guru at the University of Texas Journalism School wrote this around the time that the Southern Baptist Convention declared that women should "graciously submit" to their husbands.

The Heritage Foundation, a right-wing think tank in Washington, and the conservative Bradley Foundation funded his book, *The Tragedy of American Compassion* (1992), in which he argued for abandoning 20th-century government welfare programs and turning over responsibility for the poor and needy to Christian charities and other religious institutions. Tendentious and inaccurate, Olasky's tract was dismissed by serious scholars, but leading Washington conservatives like Bill Bennett and Newt Gingrich—who compared Olasky to Alexis de Tocqueville—treated the tract as a blueprint for a new conservative social policy. George W. Bush claimed to be influenced by Olasky, and promoted the sharing of government funds for welfare programs with religious groups, even before he ran for president on the slogan of "compassionate conservatism" (a phrase devised by Olasky and Republican operatives).

The phrase "compassionate conservatism" disguised Olasky's radical goal: a rejection of the American tradition of separation of church and state, which he believes was a mistake, in favor of a return to the 17th- and 18th-century colonial tradition of established churches in the British American colonies. "Maybe disestablishment wasn't such a good idea," Olasky has suggested. Writing in the *Austin American-Statesman* on July 5, 2000, he denounced James Madison for supporting the disestablishment of religion in Virginia in the 1780s and praised Patrick Henry for proposing a "multiple establishment" of religion with his 1785 "Bill Establishing a Provision for Teachers of the Christian Religion." At least Olasky was honest enough to recognize that Madison, Jefferson, Washington, and other leading Founders were opposed to what he and the contemporary religious right want to do; many conservative Christians simply falsify history and claim that the American Founders (many of whom were deists or unitarians) were devout Protestants like themselves.

Southern Protestant fundamentalists were also responsible for the Bush administration's major initiative in the area of science and technology: the attempted outlawing of embryonic stem cell research. Unable to persuade Congress to ban therapeutic cloning—largely because of Democratic opposition in the Senate—Bush used his authority over the executive branch to limit government subsidies for stem cell research to research efforts that used only embryos created before August 9, 2001. This compromise muddied the principle—if embryos are little people, why should those created before a certain date be allowed to be destroyed?—and the decision applied only to research funded by the federal government, not to privately funded research. Still, Bush's decision was a victory for the religious right. In the months that followed, most scientists argued that the number of stem cell "lines" available for research was far smaller than Bush had claimed. Some prominent American scientists even moved to Britain, Singapore, and other countries where fundamentalism was no threat to biomedical research.

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Lone Star Statecraft

George Herbert Walker Bush had been derided for absence of what he memorably called "the vision thing." But George W. Bush's advisers, if not Bush himself, were visionaries with visions to spare. During the early 1990s, ensconced in the first Bush administration, foreign policy gurus like Paul Wolfowitz and Dick Cheney constructed a plan of what the 21st-century world would look like, a plan almost hallucinatory in its vivid detail. The United States must maintain its status as the sole superpower by spending more on its arsenal than most of the other major military nations combined. Overriding international law and diplomacy, the United States would wage "pre-emptive" wars against regimes that might pose speculative threats, even if they did not threaten the United States and its allies with imminent danger. The United States would free itself from its pusillanimous British and European allies and dispatch bombs and justice in solitary grandeur everywhere except in the Middle East, where the United States would share regional domination with Israel.

This strategy broke with American foreign policy tradition, but it had the support of two groups of former Democratic constituencies: ex-leftist, mostly Jewish neoconservatives and reactionary white Southern Protestant fundamentalists. These two groups now dominate the right wing of the Republican Party and have controlled the foreign policy of the executive branch for the first years of the 21st century. The Wolfowitz–Bush doctrine of unilateral militarism, influenced by the unilateralism of the Israeli government, was easily identified with the preferred foreign policy tradition of the American South, dating back to the earliest years of the Republic. If it seems bizarre to both establishment conservatives and mainstream liberals, it is only because no Southern conservative had been elected to the White House between the pre–Civil War era and 2000.

White Southerners are not isolationists or pacifists. On the contrary, from the 18th century until the present, they have been more eager than white Northerners to support American wars abroad. As John B. Judis has pointed out in *The American Prospect*, in a Gallup poll last August, 24 percent of Southerners agreed with the statement: "The United States should send troops even if none of our Western allies supports that action." Only 15 percent of Midwesterners agreed. While Midwesterners were almost evenly divided—47 percent in favor and 44 percent against—Southerners favored an invasion of Iraq by 62 percent to 34 percent. But the support of white Southerners for military intervention abroad is not to be confused with internationalism. Rather, it takes the form of unilateral militarism, which is compatible with a contempt for civilian diplomacy. White Southerners have always been represented above their proportion of the U.S. population in the armed forces—and greatly under-represented among members of the foreign service, which until recently was a bastion of patrician Northeasterners. The Mason-Dixon line might as well run along the Potomac between the Pentagon and the State Department.

The Triumph of the Texan Right

Installed in a lawless manner by the dominant Southern and Western conservative faction of the Supreme Court, George W. Bush, the candidate opposed by most American voters in the election of 2000, used the power of the presidency to promote the economic and foreign policy agenda of the Southern far right: a massive tax cut as the centerpiece of domestic policy, and, in foreign policy, Protestant-fundamentalist-inspired support for the Likud Party of Israel, combined with consideration of schemes for an American takeover of the Iraqi and Saudi oil fields. From its conception of economics in terms of the exploitation of cheap labor and the plundering of non-renewable natural resources and its plan to replace the modern social safety net with "faith-based" religious charity, to its minimal-government political theory, its bellicose militarism, and its Bible Belt Christian Zionism, the second Bush administration illustrates the centuries-old traditions of the Southern oligarchy, of which the traditional Texan elite is a regional variant. Today's Southern right combines the political economy of plantation owners with the fundamentalist religion of hillbillies. In the 21st century, the right in Texas and the South remains a museum of 17th- and 18th-century rural British traditions that died out long ago in Britain itself and in other parts of the English-speaking world. The reasons for the persistence of these archaic, pre-modern British cultural traditions in Southern states like Texas have been poverty, social conservatism, and the absence of immigration of the kind which created diverse melting-pot cultures in other regions of the United States.

As long as the influence of the Southern oligarchy was confined to the South, it was a menace chiefly to the living standards and liberty of ordinary Southerners, white and black alike. But when the vast power of the federal apparatus passed on Inauguration Day 2001 to Southern reactionaries and their allies, it gave the Southern oligarchs their chance to threaten the peace and well-being of America. Let us hope that this aberrant president—one of the worst in American history—will be followed by others more worthy of the office, who will repair the damage that has already been done by the Southern Right. ●

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Reagan's Liberal Legacy

What the new literature on the Gipper won't tell you.

BY JOSHUA GREEN

OVER THE PAST SEVERAL MONTHS, Nancy Reagan has quietly been alerting friends and family that the health of her husband Ronald Reagan, the nation's 40th president, is failing rapidly due to Alzheimer's. Reagan will turn 92 on Feb. 6, and the signs seem to suggest that he won't be with us for very much longer.

It is not uncommon, when such circumstances involve a national figure, for the media to prepare tributes and obituaries in anticipation of the event. But in the case of Ronald Reagan, the magnitude of this ritual seems certain to eclipse anything that has preceded it. As long as five years ago, the three main newsweeklies had locked up eminent presidential historians to write his valedictories. The conservative Heritage Foundation has underwritten a multimedia Reagan legacy project, cued up and awaiting word of his death. The major networks and the History Channel have prepared exhaustive documentaries (the latter didn't even wait for Reagan's departure, airing "Ronald Reagan: A Legacy Remembered" over Thanksgiving). And media jockeying to pay tribute has already begun: This month's *Esquire* dubs Reagan the "greatest living American."

But the clearest indicator can be found at the bookstore. The last few months have brought an avalanche of Reagan biographies, from John Harmer's *Reagan: Man of Principle* to Peter Schweizer's *Reagan's War* to Peter Wallison's *Ronald Reagan: The Power of Conviction and the Success of His Presidency*. They join such recent fare as William F. Buckley Jr.'s *Ronald Reagan: An American Hero*, Peggy Noonan's *When Character Was King*, and Dinesh D'Souza's *Ronald Reagan: How an Ordinary Man Became an Extraordinary Leader*, themselves just a fraction of the 427 listings on Amazon.com, many of them gauzy tributes, each striving to bestow an encomium more noble and gallant than the last. Indeed, what is so striking about these books—besides their sheer number—is their collective determination to exalt Reagan as the heroic embodiment of American conservatism.

This is no accident. In fact, there is an active campaign to nail into place a canonical version of Reagan's life and career. Energetic conservatives have organized a drive to glorify the former president by trying to do everything from affixing his name to public buildings in each of the nation's 3,066 counties to substituting his face for Alexander Hamilton's on the $10 bill. A similar dynamic applies here. Many of these hagiographies are written by noted conservative authors (Buckley, Noonan, D'Souza) or former Reagan staffers (Wallison, Martin Anderson, Michael Deaver), under the auspices of conservative think tanks such as the American Enterprise Institute (Wallison), the Hoover Institution (Anderson and Schweizer), and the Heritage Foundation (Stephen F. Hayward's *The Age of Reagan*, the first of two volumes).

One would have to go back to FDR to find a comparable example of a president portrayed in such consistently glowing terms—and the swashbuckling triumphs depicted in these books mythologize Reagan to a degree which exceeds even that. As one might expect, most gloss over or completely avoid mentioning the many embarrassing and outright alarming aspects of his presidency: from consulting astrologers to his fixation with biblical doom to the tortured rationalizations that enabled him to believe that he never traded arms for hostages. But they also do something else. Most of his conservative biogra-

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phers espouse a Manichaean worldview in which Reagan's constancy in the face of liberal evils is the key to his greatness. But to sustain such an argument requires more than simply touting (and often exaggerating) his achievements, considerable though some of them were. The effort to gild Reagan's legacy also seems to demand that any accomplishment that didn't explicitly advance conservative goals be expunged from his record. And so they have been.

Reagan is, to be sure, one of the most conservative presidents in U.S. history and will certainly be remembered as such. His record on the environment, defense, and economic policy is very much in line with its portrayal. But he entered office as an ideologue who promised a conservative revolution, vowing to slash the size of government, radically scale back entitlements, and deploy the powers of the presidency in pursuit of socially and culturally conservative goals. That he essentially failed in this mission hasn't stopped partisan biographers from pretending otherwise. (Noonan writes of his 1980 campaign pledges: "Done, done, done, done, done, done, and done. Every bit of it.")

A sober review of Reagan's presidency doesn't yield the seamlessly conservative record being peddled today. Federal government expanded on his watch. The conservative desire to outlaw abortion was never seriously pursued. Reagan broke with the hardliners in his administration and compromised with the Soviets on arms control. His assault on entitlements never materialized; instead he saved Social Security in 1983. And he repeatedly ignored the fundamental conservative dogma that taxes should never be raised.

All of this has been airbrushed from the new literature of Reagan. But as any balanced account must make clear, Reagan acceded to political compromises as all presidents do once in office—and on many occasions did so willingly. In fact, however often unintentionally, many of his actions as president wound up facilitating liberal objectives. What this clamor of adulation is seeking to deny is that beyond his conservative legacy, Ronald Reagan has bequeathed a liberal one.

Roosevelt Republican

Reagan arrived in Washington with a full head of steam, vowing, as he put it in the major economic speech of his 1980 campaign, "to move boldly, decisively, and quickly to control the runaway growth of federal spending." To conservatives, and many others, he seemed destined to fulfill campaign pledges to abolish entire government agencies, rein in the excesses of the welfare state, and end Americans' overreliance on government. Sensing the historical moment, Reagan echoed John F. Kennedy in famously declaring, "If not us, who? If not now, when?"

At the outset of his first term, Reagan's revolution appeared to have unstoppable momentum. His administration passed an historic tax cut based on dramatic cuts in marginal tax rates and began a massive defense buildup. To help compensate for the tax cut, his first budget called for slashing $41.4 billion from 83 federal programs, only the first round in a planned series of cuts. And Reagan himself made known his desire to eliminate the departments of Energy and Education, and to scale back what his first budget director David Stockman called the "closet socialism" of Social Security and Medicaid.

But after his initial victories on tax cuts and defense, the revolution effectively stalled. Deficits started to balloon, the recession soon deepened, his party lost ground in the 1982 midterms, and thereafter Reagan never seriously tried to enact the radical domestic agenda he'd campaigned on. Rather than abolish the departments of Energy and Education, as he had promised to do if elected president, Reagan added a new cabinet-level department—one of the largest federal agencies—the Department of Veterans Affairs.

Though his budgets requested some cuts in some areas of discretionary spending, Reagan rapidly retreated and never seriously pushed them. As Lou Cannon, the *Washington Post* reporter who covered Reagan's political

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career for 25 years, put it in his masterful biography, *President Reagan: The Role of a Lifetime*, "For all the fervor they created, the first-term Reagan budgets were mild manifestos devoid of revolutionary purpose. They did not seek to 'rebuild the foundation of our society' (the task Reagan set for himself and Congress in a nationally televised speech of February 5, 1981) or even to accomplish the 'sharp reduction in the spending growth trend' called for in [his] Economic Recovery Plan." By Reagan's second term, the idea of seriously diminishing the budget was, to quote Stockman, "an institutionalized fantasy." Though in speeches Reagan continued to repeat his bold pledge to "get government out of the way of the people," government stayed pretty much where it was.

This hasn't stopped recent contemporary conservative biographers from claiming otherwise. "He said he would cut the budget, and he did," declares Peggy Noonan in *When Character Was King*. In fact, the budget grew significantly under Reagan. All he managed to do was moderately slow its rate of growth. What's more, the number of workers on the federal payroll rose by 61,000 under Reagan. (By comparison, under Clinton, the number fell by 373,000.)

Reagan also vastly expanded one of the largest federal domestic programs, Social Security. Before becoming president, he had often openly mused, much to the alarm of his politically sensitive staff, about restructuring Social Security to allow individuals to opt out of the system—an antecedent of today's privatization plans. At the start of his administration, with Social Security teetering on the brink of insolvency, Reagan attempted to push through immediate draconian cuts to the program. But the Senate unanimously rebuked his plan, and the GOP lost 26 House seats in the 1982 midterm elections, largely as a result of this overreach.

The following year, Reagan made one of the greatest ideological about-faces in the history of the presidency, agreeing to a $165 billion bailout of Social Security. In almost every way, the bailout flew in the face of conservative ideology. It dramatically increased payroll taxes on employees and employers, brought a whole new class of recipients—new federal workers—into the system, and, for the first time, taxed Social Security benefits, and did so in the most liberal way: only those of upper-income recipients. (As an added affront to conservatives, the tax wasn't indexed to inflation, meaning that more and more people have gradually had to pay it over time.)

By expanding rather than scaling back entitlements, Reagan—and Newt Gingrich after him—demonstrated that conservatives could not and would not launch a frontal assault on Social Security, effectively conceding that these cherished New Deal programs were central features of the American polity.

"Mondale Would Have Been Proud"

It's conservative lore that Reagan the icon cut taxes, while George H.W. Bush the renegade raised them. As Stockman recalls, "No one was authorized to talk about tax increases on Ronald Reagan's watch, no matter *what* kind of tax, no matter *how* justified it was." Yet raising taxes is exactly what Reagan did. He did not always instigate those hikes or agree to them willingly—but he signed off on them. One year after his massive tax cut, Reagan agreed to a tax increase to reduce the deficit that restored fully one-third of the previous year's reduction. (In a bizarre bit of self-deception, Reagan, who never came to terms with this episode of ideological apostasy, persuaded himself that the three-year, $100 billion tax hike—the largest since World War II—was actually "tax reform" that closed loopholes in his earlier cut and therefore didn't count as raising taxes.)

Faced with looming deficits, Reagan raised taxes again in 1983 with a gasoline tax and once more in 1984, this time by $50 billion over three years, mainly through closing tax loopholes for business. Despite the fact that such increases were anathema to conservatives—and probably cost Reagan's successor, George H.W. Bush, reelection—Reagan raised taxes a grand total of four times just between 1982-84.

This record flummoxes the best efforts of today's Reagan hagiographers to explain away. Peter Wallison, for instance, after proclaiming that Reagan "stayed the course against changes in his economic plan," later dismisses the president's tax increases as "a modest rollback" that "seems to have been the result" of his accepting a Democratic promise to cut spending by twice that amount. (Whatever happened to "Trust, but verify"?)

Reagan continued these "modest rollbacks" in his second term. The historic Tax Reform Act of 1986, though it achieved the supply side goal of lowering individual income tax rates, was a startlingly progressive reform. The plan imposed the largest corporate tax increase in history—an act utterly unimaginable for any conservative to support today. Just two years after declaring, "there is no justification" for taxing corporate income, Reagan raised corporate taxes by $120 billion over five years and closed corporate tax loopholes worth about $300 billion over that same period. In addition to broadening the tax base, the plan increased standard deductions and personal exemptions to the point that no family with an income below the poverty line would have to pay federal income tax. Even at the time, conservatives within Reagan's administration were aghast.

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According to *Wall Street Journal* reporters Jeffrey Birnbaum and Alan Murray, whose book *Showdown at Gucci Gulch* chronicles the 1986 measure, "the conservative president's support for an effort once considered the bastion of liberals carried tremendous symbolic significance." When Reagan's conservative acting chief economic adviser, William Niskanen, was apprised of the plan he replied, "Walter Mondale would have been proud."

So would Russell Long. In 1975, the Democratic senator from Louisiana had passed into law the earned income tax credit (EITC), essentially a wage subsidy for the working poor. Long's measure was tiny to begin with and had dwindled to insignificance by the time Reagan agreed to expand it in 1986 as part of the tax reform act. Despite years of opposing social insurance programs, Reagan's support of the EITC gave rise to what has become one of the most effective antipoverty measures the federal government has ever devised—by the late 1990s, the EITC was lifting 4.3 million people out of poverty every year. Reagan's decision to expand it was "the most important anti-poverty measure enacted over the past decade," wrote *The Wall Street Journal*'s Al Hunt. The exemption of millions of low-wage earners from income taxes through the EITC and other reforms in 1986 added a significant measure of progressivity to the tax code. As evidence of its popularity with liberals, Clinton dramatically expanded the EITC in 1993.

At the time, many Republicans touted Reagan's support as proof that he wasn't the coldhearted tyrant liberals made him out to be. Other conservatives, like Niskanen, however, saw it as troubling evidence of their leader's weakness. Today, there is a growing movement within the Bush administration to roll back these changes by making the working poor pay their "fair share" of taxes.

These evident lapses in conservative ideology are a fact that some liberals have a much less difficult time coming to terms with than conservatives. "There were two Reagans," says Robert J. McIntyre, director of the left-leaning Citizens for Tax Justice, who was instrumental in the 1986 act, "the good one and the bad one. Liberals and conservatives wouldn't agree on which is which, but they would have to agree that Reagan completely flipped after 1981. If you like one, you can't like the other."

When conservatives mythologize the Reagan presidency as the golden era of conservatism, it's not Reagan they're mythologizing, but conservatism.

Bellicose Peacenik

Reagan has a good claim to the credit he receives for a foreign policy of confronting and challenging the Soviet Union that helped bring on its collapse—a central theme of any account of his life. But the vexing problem for conservatives, then and now, was that Reagan's bellicosity, which they liked, obscured an equally strong belief that nuclear weapons could and should be abolished, a conviction found mainly on the liberal left. Long before he became president, Reagan had argued for a massive military buildup not just to confront the Soviets, which hardliners approved, but also to put the United States in a stronger position from which to establish effective arms control—a goal to which conservative pragmatists subscribed. But no one shared, or even understood until late in the game, Reagan's desire for total disarmament. "My dream," he later wrote in his memoirs, "became a world free of nuclear weapons." This vision stemmed from the president's belief that the biblical account of Armageddon prophesied nuclear war—and that apocalypse could be averted if everyone, especially the Soviets, eliminated nuclear weapons.

Driven by this dream, Reagan embraced Mikhail Gorbachev and initiated a series of negotiations that ultimately alarmed everyone in his administration. Hardliners like Patrick Buchanan, Richard Perle, and Caspar Weinberger reacted in horror to the very idea of engaging the Soviets in such talks, warning against the "grand illusion" of peace. "Reagan is a weakened president, weakened in spirit as well as clout," echoed New Right leader Paul Weyrich in *The Washington Post*. Administration pragmatists like George Shultz and Robert McFarlane, who supported negotiations but believed in deterrence, were shocked by how far Reagan took them. At the Reykjavik summit, he and Gorbachev almost agreed to the "zero option" to eliminate both sides' thermonuclear arms. Reagan's unwillingness to give up his cherished missile-defense program doomed the agreement, though the talks did yield the signature arms-reduction pact of his presidency, the 1987 INF treaty.

Conservative biographers like Peter Schweizer seem determined not to acknowledge Reagan's timely soften-

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ing toward the Soviets: Reagan "would not change course, even in pursuit of personal political glory." But, thankfully, Reagan did change course. After a defense buildup that pushed the Soviets to the verge of economic collapse, this shift, augmented by a reduction in U.S. military spending in the latter years of his presidency, strengthened Gorbachev's ability to proceed with reform in the Soviet Union, and set the stage for George H.W. Bush to oversee a peaceful end to the Cold War.

Reagan was similarly helpful in advancing another great liberal cause, one in which his overall record is deeply tarnished: human rights. The idea of pressuring despotic governments to better treat their citizens had long appealed to the left and rankled the right. Like other conservatives, Reagan criticized the Helsinki Accords when Gerald Ford signed them in 1976, and disparaged Jimmy Carter during his 1980 campaign for what he considered a soft refusal to engage with the bitter realities of communism. Reagan's indifference to human rights abuses committed by the Unites States's erstwhile allies in Central America is an especially ugly stain on his presidency. Yet, as time progressed, there was one place where he did apply the logic of bringing human rights into public policy: the Soviet Union. Through the latter part of his presidency, Reagan spoke forcefully and openly about human rights in speeches and in meetings with Gorbachev, presenting lists of thousands of persecuted Soviet Jews and dissidents, many of whom were ultimately allowed to emigrate. "Human rights became for Reagan the final shame that he could bring to bear on that aspect of the Communist empire," says Sean Wilentz, director of the American Studies program at Princeton University.

Reagan's human rights policy may have been inconsistent and hypocritical. But the very fact that he had one transformed the politics of human rights. With dissidents from Andrei Sakarov to Vaclav Havel testifying to the power of his words in sustaining their movements, it became impossible for conservatives to deny the usefulness of such commitments as a component of American foreign policy. Today, there are almost as many human rights proponents on the right side of the aisle in Congress as on the left.

Mourning in America

Many of Reagan's actions that wound up furthering

Who's Who

By Susan Thrladgill

Cyber-agitator **Matt Drudge** set off a minor media frenzy when he reported, incorrectly, that presidential aspirant Sen. **John Kerry** (D-Mass.) regularly paid Christophe salon stylist **Isabelle Goetz** $150 to cut his hair. The actual cost was half that figure, but a number of newshounds ran with the item anyway. Since haircut reporting is the latest rage, we decided to call those who reported the story to find out if $75 hairdos were all that uncommon.

CNN "Inside Politics" host **Judy Woodruff**, whose reporting was among the snippiest ("Kerry is already in denial mode"), spends $80 on her golden locks at the Four Seasons Spa Salon on Pennsylvania Ave. Boston-area gossip columnists are also in Kerry's league, though it seems *Boston Globe* staffers place a higher premium on style than their crosstown rivals at the *Boston Herald*. The *Globe*'s **Carol Beggy** regularly spends $86 at Vidal Sassoon on posh Newberry St., while colleague **Stephanie Stoughton** takes the prize as the only journalist to admit to spending $100— "going all out" at a downtown salon on one occasion. She normally frequents a shop in her Jamaica Plain neighborhood, where cuts are in the $20 range. The *Herald*'s **Gayle Fee** and **Laura Raposa**, spend $45 and $65, respectively.

Most male reporters, it turns out, take a more frugal approach to hair care. *The Washington Post*'s **Lloyd Grove** spends a mere $12 at a Bethesda, Md., barbershop, where he often sees columnists **George Will** and **William Safire**. The Hoover Institution's **Bill Whalen,** who took potshots at Kerry in *National Review Online*, spends only $14 in a Stanford, Calif., mall. Of his $15 hairdo, **George Rush** of the *New York Daily News* told us, "It's much cheaper than the senator's, but it probably doesn't look as good." *The Washington Times*' **Tony Blankley**, though, shares Kerry's appreciation of a good trim—so much so that he uses the same stylist. Writing in his column, Blankley says Goetz is well worth the price: "She is a gifted artist, making even the top of my old, fat head shimmer and glisten like a Hollywood starlet's."

Kerry is only one of the well-known salon's famous customers—Goetz styles **Hillary Clinton**'s stately mane for $150, and **Christophe** himself was responsible for **Bill Clinton**'s legendary 1993 trim on Air Force One, which gave rise to the urban legend, debunked by *Newsday*'s **Jonathan Schell**, that the president shut down Los Angeles International Airport to get it.

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liberal ends were to some extent the result of the normal compromises of political office. The fact that his conservative biographers don't see fit to acknowledge these deviations is a clue that their aim is something besides an accurate depiction of the life and achievements of the 40th president. When conservatives mythologize the Reagan presidency as the golden era of conservatism, it's not Reagan that they're mythologizing, but conservatism.

The great success of Reagan's 1980 campaign was that it united the disparate strands of the conservative movement: supply-siders, libertarians, religious conservatives, foreign policy hawks, and big business. The fact that Reagan's presidency didn't accomplish anything approaching its seismic promise—the size of government grew, abortion remained legal, and entitlements still abounded—is one that his partisan biographers elide by focusing on what Reagan believed and said rather than on what he actually did. The imaginary Reagan who inhabits these books embodies the ideas on which all these groups can agree. His shining example helps maintain the coalition while putting pressure on current GOP politicians to hew to the hard-right ideal.

The real Reagan, on the other hand, would bring discord to the current conservative agenda. If you believe, as conservatives now do, that raising taxes is always wrong, then it's hard to admit that Reagan himself did so repeatedly. If you argue that the relative tax burden on low-income workers is too light, as the Bush administration does, then it does not pay to dwell on the fact that Reagan himself helped lighten that burden. If you insist, as many hardliners now do, that America is dangerously soft on communist China, then it is best to ignore Reagan's own softening toward the Soviet Union. As with other conservative media efforts—Rush Limbaugh, Fox News Channel, *The Washington Times*—the purpose of the Reagan legacy project is not to deliver accuracy, but enhance political leverage.

But, as Reagan himself liked to cite from John Adams, facts are stubborn things. And the fact is that Reagan, whether out of wisdom or because he was forced, made significant compromises with the left. Had he not saved Social Security, relented on his tax cut, and negotiated with the Soviets, he'd have been a less popular, and lesser, president. An honest portrait of Reagan's presidency would not diminish his memory, but enlarge it.

As for the Texas tresses of President **George W. Bush**, he pays $30 a cut to Washington stylist **Zahira Zahir**, who also trimmed the locks of **George H.W. Bush** and **Ronald Reagan**. First Lady **Laura Bush**, on the other hand, is a fan of **Andre Chreky**, whose cuts start around $60. All prices are without tip.

Few reporters have noted what is perhaps the most lasting legacy of Sen. **Strom Thurmond** (D-S.C.), now retired: The unusually large number of family members, former aides, and even neighbors he's managed to appoint to federal judicial offices during the past two decades. Four members of the South Carolina District Court owe their jobs to Thurmond, including former aides **Terry Wooten, Henry Herlong**, and **Dennis Shedd**—recently promoted to the Fourth Circuit Court of Appeals—as well as **Joseph Anderson**, who hails from Strom's hometown of Edgefield. Shedd has some company: He joins two other former Thurmond aides now sitting on the Fourth Circuit, **William Wilkins** and **Emory Sneeden**, plus one **Clyde Hamilton**, another Edgefield native and, like Shedd, a former judge on the South Carolina District Court. **Robert Carr** and **Bristow Marchant** are both former Thurmond aides; both also serve today as U.S. magistrates for South Carolina. (The state's magistrates are selected by none other than the judges of the South Carolina District Court.) Thurmond's nephew, **William Bishop**, is chief judge of the U.S. Bankruptcy Court in South Carolina, the judges for which are selected by—you guessed it—the judges of the Fourth Circuit. Finally there's Thurmond's son, 30-year-old **Strom Jr.**, today the youngest and least experienced U.S. attorney in the country.

Between being investigated for fraud by U.S. attorneys in New York, and being sued by shareholders seeking millions in lost investment dollars, it's been a bad couple of months for U.S. Technologies CEO **Gregory Earls**. Earls's name hit *The New York Times'* front page in November, when it was revealed that **William Webster**, who had been appointed head of the government's new Public Company Accounting Oversight Board, had headed U.S. Technologies' audit committee. Webster later followed Securities and Exchange Commission Chairman **Harvey Pitt**—who had promoted Webster's appointment to the accounting oversight board—in tendering his resignation. But there's at least one other Washington heavy hitter who's tight with Earls: D.C. mayor **Anthony Williams**. Back in June 2000, Earls teamed up with CNN talking head **Bill Press**, Washington tennis pro **Kathy Kemper**, and Fannie Mae CEO **Franklin Raines** on a fundraiser for Williams. Later, Williams used Earls's downtown office to make fundraising calls.

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Tidbits & Outrages

Blue Light Special

Officials in cash-strapped North Brunswick, N.J., are considering selling advertising space on patrol cars, an idea that could bring $250,000 in revenue. Officers themselves are skeptical, fearful that ads may be embarrassing. "I don't want [one] that says, 'Trojan: ribbed for extra pleasure,'" one said.

Chewing Over Trade Policy

As part of a new trade deal, Singapore may partially lift its ban on U.S. gum. Under the arrangement, sugarless gum could be prescribed by dentists and sold in pharmacies. U.S. Trade Representative Robert Zoellick charitably dubbed the new market "a modest entry point."

Saddam Spammed

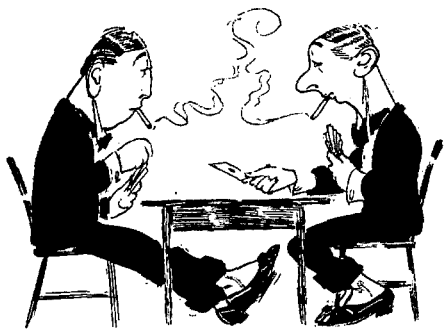
A reporter for Wired.com hacked into the email account of Saddam Hussein and discovered that, along with threats and offers of assistance, the Iraqi leader receives lots of spam.

Fashion Sweatshop

A sales associate at a Polo Ralph Lauren store has sued the company over its requirement that all employees buy and wear the company's latest fashions, arguing that the policy forces $10-an-hour store clerks to work at sub-minimum wage.

Political Poker

The recent deadlocked race for a commission seat in Esmeralda County, Nev., was decided by an unusual state law: Without the U.S. Supreme Court around to award the seat to Republicans, the election was settled by drawing cards. The Democratic candidate drew the high card (a jack of spades) and won.



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Hot Flash, Cold Cash

How a once-respected women's group went through The Change—with the help of drug industry money.

BY ALICIA MUNDY

LAST APRIL, SEVERAL HUNDRED BLACK-tie and couture-clad worthies crowded into the ornate ballroom of the Washington Ritz-Carlton for one more dinner on the spring charity circuit. This one seemed especially well-suited for the usual crowd of congressmen's wives and old-school hostesses. Themed "Coming of Age," the entire evening was a salute to the vibrancy of middle-aged women—from the appearance by Cheryl Ladd of "Charlie's Angels" fame, glittering and trim at 51; through a special photography exhibit titled "A Celebration of Women in Midlife and Beyond"; to a performance by 38-year-old country singer Trisha Yearwood.

Ostensibly, "Coming of Age" was thrown for the benefit of a group that enjoys, or enjoyed, a sterling reputation and pursued an unexceptionable purpose: the Society for Women's Health Research, a 12-year-old Beltway nonprofit whose "sole mission is to improve the health of women through research," according to its brochure. But there was something different about this evening's charity ball. The whole event had been underwritten by the pharmaceutical company Wyeth, which also happens to manufacture Prempro, the drug most widely used in hormone-replacement therapy (HRT) for post-menopausal women. That evening, after a brief speech by Wyeth's CEO Robert Essner, the celebrities joined menopause maven Gail Sheehy to read literary selections celebrating what the society called "advances in the quality and duration of a woman's life." Sheehy read from her own book *The Silent Passage*, noting how women were enjoying better lives because of "lifesaving preventative measures" including "hormone-replacement therapy."

Some participants were taken aback. "Without mentioning Wyeth," says one, "It was like they were doing an ad for Wyeth." The whole evening was, she recalls, "a perfect way to ensure you'll keep one of your biggest benefactors happy: a dinner theme tied to one of their biggest selling products." A week later, Wyeth presented the society with a $250,000 check at a special event celebrating the 60th anniversary of Premarin, the company's other HRT drug.

All nonprofits, of course, must occasionally confront the tension between what's good for their stated mission and what's good for their funders. But the Society for Women's Health Research has clearly decided to bend to the latter. For decades, middle-aged women in America had been encouraged to take medications to replace the estrogen which the body ceases to produce adequately after menopause; last year, doctors wrote a total of 67 million prescriptions for such drugs, including 22 million for Prempro (which contains estrogen compounded with progestin). The medications were once considered post-menopausal wonder drugs—relieving hot flashes and insomnia, preserving mental acuity and bone strength, and, most importantly, staving off heart disease.

But as researchers examined the drugs more closely in the 1990s, they began to have second thoughts. Women on such drugs as Prempro were suffering fewer bone fractures and developing illnesses like colon can-

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cer less often, but they were showing an increased susceptibility to strokes and blood clots. Indeed, during the two years before the society's gala, women taking Prempro had received two well-publicized letters from the directors of a major National Institutes of Health study of HRT warning them of possible heart problems connected to the drug. Months before the gala, several respected medical journals published studies suggesting links between breast cancer and the use of some types of estrogen.

These problems were to some extent well known within the women's health community the night of the gala. But the biggest bombshell burst three months later, when NIH officials halted the HRT study, and concluded, five years into the planned eight-year trial, that the verdict was clear: Although Prempro did some good when taken for shorter periods of time (i.e. during menopause), long-term use of the drug—as advocated by its makers—significantly increased the risk of heart attacks, stroke, blood clots, and last, but not least, breast cancer. Sales of Prempro plummeted about 50 percent.

In the weeks following the announcement, many nonprofit women's advocacy groups warned women about the dangers of overusing hormone-replacement therapy. The Society for Women's Health Research, however, did the opposite, attacking the study, its authors, and its conclusions on chat shows and in newspaper articles. Instead of taking the side of its constituents, the society seemingly took the side of its donors—and of Wyeth, in particular, which manufactures 70 percent of the HRT drugs on the world market.

The society's curious behavior represents the latest innovation in the art of Washington influence peddling. For years, business interests have created and bankrolled think tanks and "Astroturf" advocacy groups to generate pro-business policy thinking and political momentum in Washington. But these institutions' effectiveness is usually limited by their obvious agenda: Reporters, Hill staffers, and consumer advocacy groups can soon enough tell a front from a philanthropy, and treat them accordingly. In their dealings with the society, however, the pharmaceutical industry has figured out a new tactic. Why start a new group when generosity no more expensive than an ordinary public relations campaign can enable corporations to all but take over an already existing and respected nonprofit, and use its credibility to advance their own interests? The tactic is so clever, it's a wonder other industries didn't think of it—though many will surely copy it.

No Ladies' Room

The Society for Women's Health Research was launched in 1990 by Florence Hazeltine and Susan Blumenthal, who in the previous decade were almost the only two tenured physicians at the NIH. Like other women there, Hazeltine and Blumenthal had become increasingly concerned with the way the institutes' studies of such conditions as heart disease and various cancers used male subjects almost exclusively. (Legend has it that an NIH study on aging held in one hospital ward was limited to male patients because there were no women's restrooms on that floor.) Hazeltine and Blumenthal began pushing NIH to expand their studies among women; it was important, they would point out, that the nation's top medical institute track heart attacks, cancers, diabetes, mental illness, and glaucoma in both halves of the population.

But officials resisted. So Hazeltine and Blumenthal, along with a few feminist groups and sympathetic congresswomen, began making their case to reporters and on the Hill. In 1990, Congress' General Accounting Office issued a study strongly critical of the NIH's lack of research on female patients. Soon after, Hazeltine and Blumenthal launched the society. Hazeltine became its president and Blumenthal the vice-president and scientific director. They quickly linked up with publisher Mary Ann Liebert, jointly sponsoring a new publication, the *Journal of Women's Health*, and started the Congress on Women's Health, an annual event attracting politicians, scientists, and consumer advocates. Operating on a tiny budget and with no staff, Hazeltine and Blumenthal recruited P.R. mavens Marie Bass and Joanne Howes, who worked for peanuts to put the issue on the map. Their efforts had an effect: In 1991, the Bush administration ordered NIH to begin funding several medical studies using women. The society's conferences became a major draw on the Hill, its galas picking up sponsorship from the well-connected wives of Reps. Henry Waxman, John Dingell, and Dan Glickman.

In 1993, Blumenthal brought Phyllis Greenberger, then a lobbyist for the American Psychiatric Association, to the society. Greenberger, as executive director, was a hard worker and tireless promoter of the organization. When Blumenthal left in 1994 to take the newly created position of deputy assistant secretary for women's health at the Department of Health and Human Services, Greenberger took over completely, Hazeltine falling into the background. By this time, Blumenthal and Hazeltine had been wondering whether the society had finally achieved most of what it set out to do; Congress had heard them and acted, and funding for women-focused medicine was growing by leaps and bounds. U.S. health agencies were

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spending $100 million on relevant research (a figure up to about $4 billion per year today). They could have declared victory and gone home.

But Greenberger had other ideas—big ideas that required much more money than could be mustered by a boutique advocacy group like the society, which up until then had relied largely on funding from nonprofit health foundations. In addition to operating in-house research and science seminars, as had Hazeltine and Blumenthal, Greenberger began to push the society into participating in many corporate-sponsored seminars and conventions, where those funding the event tended to control the agenda and choose the speakers. She fired Bass and Howes, replacing them with a full complement of hand-picked in-house staff. Her title changed from director to president and CEO. The group expanded its portfolio, becoming involved in such issues as the impact of television on women and families. It also began taking stands friendly to corporate interests. In 1995, for example, Greenberger testified before Congress against product liability lawsuits on the grounds that too many such suits stifle drug companies' research on women's products.

The latest innovation in the Washington art of influence peddling: Instead of starting a lobbying group, buy into a respected nonprofit.

Greenberger also began to participate in or host seminars with pharmaceutical companies. As Hillary Macht, formerly the health editor of *McCall's*, notes, drug companies use such gatherings to "create a demand and a market" in advance of a drug's launch, in part by getting women's magazines and the media to report on a given disease—and, of course, the newly available remedy. In one instance, Greenberger participated in a September 1999 Glaxo-sponsored panel, "Ending the Silence," about irritable bowel syndrome. At the time, Glaxo had convinced the FDA to put its drug Lotronex on a "fast-track" approval process, stressing how many women needed a remedy. The drug was approved in February 2000, only to be withdrawn in November, after it was linked to five deaths and several colostomies. (Lotronex was allowed to return to market in November under much tighter FDA restrictions.)

Meanwhile, the society's gala, which previously could have fit in a coat closet, made *The New York Times* in 2001, when honoree Supreme Court Justice Ruth Bader Ginsburg spoke for the first time about her colorectal cancer. Greenberger herself achieved a new prominence, becoming a regular guest on the chat-show circuit and a go-to source for women's magazines like *Health* and *Shape* (on whose boards she sits). In March 2002, the society was one of the several co-sponsors of a town hall meeting on menopause, operated jointly with the Office of Women's Health at HHS and funded by Eli Lilly, Aventis, and Wyeth. Most importantly, the society began to rake in millions of dollars in donations, which it poured into issue advocacy and P.R. and to sponsor "lobby days" on Capitol Hill.

But who, exactly, has been paying for all this? The society's development director, Jo Parrish, first told me: "government grants, a direct mail campaign, foundations." When I asked her if the society received business money, Parrish said, "Yes, we get corporate funding and grants," but wouldn't be more specific. When I received a copy of the group's 2001 official nonprofit tax form, which lists sources of income, the group had not included the names of major contributors (that is, those who give more than $80,000). When I called Parrish for more information, she left a message on my voicemail explaining that "Our attorney says it is confidential information that we don't distribute." Neither she nor Greenberger would disclose the percentage of the group's income derived from corporations, although Greenberger, in a letter to *The Washington Monthly*, wrote that the society's corporate sponsors are "all disclosed."

We do know the companies that sit on the society's 40-member "corporate advisory board," created since Greenberger took over. They include Eli Lilly, Johnson & Johnson, Merck, Pfizer, and Wyeth—all of which market popular women's drugs. Many of the same names graced the list of sponsors for this year's society gala, as did the drug industry lobbying group, PhRMA. So did Wyeth's own lobbying firm, Heidepriem and Mager. Another group that sponsored the gala, perhaps in appreciation of Greenberger's testimony against product lawsuits, was the American Tort Reform Association.

Not everyone is happy with the way Greenberger has expanded the organization. Blumenthal, who as a federal official was barred from serving on the society's board and had no say over the group's transformation,

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told friends that she was nervous over where the money was coming from. She and Greenberger, once friends, began to grow apart. Blumenthal's other collaborator, Mary Anne Liebert, also felt that corporate largesse was corrupting the institution; in 2000, her *Journal of Women's Health* and Congress on Women's Health severed their relationships with the society. "I wanted to ensure independence in choosing articles and speakers," says Liebert. "Phyllis and I did not see eye to eye on some issues. I felt it is too hard to ignore sponsors when they are so generous. I needed to produce an independent forum." (Greenberger says the split came because the *Journal* wasn't as focused on gender differences and science as the society still is.) Chris Downey, the wife of former Rep. Tom Downey, a prominent Washington child health advocate, and a long-time supporter of the society, recently cut her ties to the group, citing the society's dependence on Wyeth. "This is clearly a case," Downey told me, "where an institution's desire for self-preservation has far outlived its sense of purpose and mission."

"This is clearly a case where an institution's desire for self-preservation has far outlived its sense of purpose and mission."
—child health advocate Chris Downey, wife of former Rep. Tom Downey

Cindy Pearson, who heads the National Women's Health Network, says that the society has been too out front in promoting the joys of "better menopause through better drugs." Her organization doesn't take pharmaceutical money, she says, "because we believe that industry funding, at a minimum, raises questions about the credibility of advocacy groups, and in the worst cases, results in advocacy groups promoting an agenda that benefits their funders."

When I spoke to Greenberger in November, she waved aside the criticisms. "I just don't see a problem," she says of the growing perception that the society has become a lobbying vehicle for the drug companies, complaining that corporate donors that reliably support women's health groups "all want to give to breast cancer." Regarding this year's benefit, Greenberger observes that Wyeth has "been good to us, underwriting our gala for years. This year we decided to let Essner mention Premarin. I don't recall what he said," she continues, "but we did that because it was the anniversary of Premarin ... and there was only one line about hormone replacement." Later she said, "Maybe we shouldn't have given [Essner] a pass, but it was difficult to turn them down on Premarin's anniversary."

Raging Hormones

When the HRT study ground to a halt, the society did more than just give Wyeth a pass. Even as the new scientific consensus on HRT—that the risks of long-term use significantly outweighed the benefits—was still coalescing, Greenberger and the society went to work attempting to undermine it. "Totally overblown" was how Greenberger described the study in a *Milwaukee Journal-Sentinel* article in late July. "The results were presented in a way that scared women unnecessarily." Greenberger was quoted to similar effect in several other papers; she penned op-eds or letters to the editor for at least 10 other papers around the country, including the *Chicago Tribune*, in which she described the release of the study as "poorly managed, causing a media frenzy and subsequent panic among women and their doctors." Greenberger also hit the airwaves. One station, the ABC affiliate in Washington, WJLA, learned of Greenberger's ties to the drug industry only after she appeared on a broadcast last May. When the NIH study came out in July, the society swamped WJLA with press releases suggesting Greenberger as a guest, but the station declined. Similarly, Greenberger went on the "Charlie Rose Show" without disclosing the society's relationship with Wyeth ("Nobody asked me about it," she explained. "What difference does it make?") A producer of the "Charlie Rose Show" said she was "dismayed" to learn of the society's financial support. "The policy of our show ... is that all guests are expected to make full disclosure of who funds their organizations."

Greenberger's defense of long-term hormone replacement therapy—especially her accusation that NIH researchers overstated their findings and released the study too abruptly, unnecessarily scaring the millions of healthy women taking HRT—doesn't hold up well under scrutiny. The study, costing some $600 million and involving 16,000 women, was perhaps the largest clinical trial in history. "This was an exceptionally well-designed and implemented study," says Diana Zucker-

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man, President of the National Center for Policy Research, a group that advocates for drug safety, FDA improvement, and women's health matters. "It's as solid as it gets. The data clearly show that the long-term risks substantially outweigh the long-term benefits." Moreover, the warning signs had been clear for months in studies published in top medical journals, such as the *Journal of the American Medical Association* and the *New England Journal of Medicine*. If the society "was shocked by the findings," says Zuckerman, "then they were not doing their job."

Yet Greenberger persisted. At a conference in October of last year, scientists and journalists gathered at the NIH to hear more about the study. When a Wyeth doctor insisted that the drugs help against other menopause problems and that the risks of taking them were minimal, Greenberger echoed Wyeth's line, questioning the results and arguing that their allegedly ill-timed release had caused female subjects to drop out of medical studies. Yet one of the study's investigators, Dr. Marcia Stefanick of Stanford University, says there's no actual evidence of women dropping out. (When I asked Greenberger, she said that a doctor at NIH has told her that he was worried that such drop-outs might happen down the road.) "They can't fight the science," says Dr. Stefanick, "so they are complaining that we gave out the news without warning." Another doctor reviewing the study, Deborah Grady of the University of California at San Francisco, says, "The people complaining want to say this is only one drug, and only one group of people. But all the other drugs are just versions of this one—it's estrogen. The company and its defenders have to be thinking about what it means for women's health in the long term."

In her letter to *The Washington Monthly*, Greenberg wrote that "the society rejects any implication that it is influenced or biased in any way by its contributors." But it's clear that her closeness to Wyeth has already begun to alienate many of the group's original supporters. Over time, as word gets out over the Washington grapevine, the society may be likely to attract fewer and fewer women's advocates. Congressional wives may stop going to its annual gala (unless their husbands are looking for drug-company campaign donations). Reporters and liberal Hill staffers may get wise to what the society has become, and its effectiveness as a stealth lobbying arm of the industry will diminish. But by then, of course, companies like Wyeth that have supported the charitable organization will already have gotten far more than their money's worth.

The Washington Monthly's Monthly Journalism Award

Gautum Naik

"Last Requests: The Grim Mission Of a Swiss Group: Visitors' Suicides"
***The Wall Street Journal*, November 22, 2002**

By intertwining profiles of a Swiss euthanasia advocacy group and a terminally ill 66-year-old Frenchwoman, Gautam Naik immerses readers in the ethical and social dilemmas of assisted suicide. The Frenchwoman, stricken with breast cancer that has spread to her bones and lungs, has traveled to Switzerland to die, and spends her last morning in a seedy Zurich cafe drinking coffee, smoking cigarettes, and cutting up her credit card. She has come to Zurich courtesy of Dignitas, a four-year-old euthanasia group that is testing Switzerland's policy of permitting assisted suicide by offering services to non-citizens. Local officials worry that the group's acceptance of such clients as Alzheimer's victims and schizophrenics, denied permission in their own countries, will earn Zurich an unwanted reputation as "the city to die in." Dignitas' founder, a former journalist who wrote about human rights abuses, insists he must help those in need. For her part, the Frenchwoman hopes her testimony will increase support for assisted suicide in her native country, and, in her final hour, admits the difficulty in dying so far from home.

The Monthly Journalism Award is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 1000, Washington, DC 20005. Or e-mail us at editors@washingtonmonthly.com. Nominations for stories run in December 2002 are due January 5, 2003.

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All Things Considerate

How NPR makes Tavis Smiley sound like Linda Wertheimer.

BY BRIAN MONTOPOLI

LAST MAY, I HAD THE CHANCE TO PARticipate in an NPR fellowship for young journalists interested in public radio. There were eight of us in all, each of whom worked with a mentor to produce a story that would become part of a Web-based news magazine. In order to decide who would host the magazine, the mentors and NPR folks held auditions: One by one, we were required to stand up and read a few lines to the assembled crowd, who would then compare notes. We weren't allowed to watch the auditions. As we waited in the hallway, some of us tried to make small talk; others found a quiet corner where they could go over their lines. But we were all thinking about the same thing: The Voice, the NPR Voice, and how the hell we were going to pull it off. The Voice is tough to describe, but you know it when you hear it: It's serious, carefully modulated, genially authoritative. It rings with unspoken knowledge of good wine and *The New York Times Book Review*. We were terrified of it.

As it turned out, I couldn't quite manage The Voice—the hosting gig went to someone else—but I quickly realized that if I wanted anything to do with NPR, I'd need to figure it out pretty quick. NPR's ascendancy has been striking—"Morning Edition" and "All Things Considered," its drivetime shows, are the second and third most popular radio programs in the country, and the network's listenership continues to grow—up 18.5 percent in 2001 alone. A big part of the reason is the unparalleled quality of its news coverage. NPR's journalism is in-depth, accurate, fair, intelligent, and, not insignificantly, virtually commercial-free. In the sea of vituperative right-wing radio, NPR is an island of sanity, civility, and seriousness. And its reporters and personalities are truly talented: Their ability to explain complex issues in plain, sharp, value-neutral language may be unsurpassed in all of broadcasting.

But the network has also become something of a victim of its success. If you listen to a lot of NPR, you realize how similar it all sounds: no matter who is talking, or what they're talking about. There's a simple reason for the homogeneity: The drivetime shows, the 800-pound gorillas of public radio, have become so successful that the sensibilities of their influential hosts and correspondents have come to dominate all other NPR programming. Susan Stamberg, Nina Totenberg, Bob Edwards, Carl Kasell, and their peers have a tight grip on the sound of NPR, especially Linda Wertheimer, whose cadence—a sort of patrician delay—still defines the NPR sound even though she no longer serves as a host. It is a sound created by boomers for an audience of their contemporaries. The Voice is theirs, and if you can't pull it off, as I quickly discovered, you'd better get out of the way.

It is an extremely appealing Voice—to a certain demographic. About 20 million people tune into NPR each week. Their mean income is $78,216, and their average age hovers just below 50. Nearly 90 percent of

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those who shared their racial information are "non-Black/non-Hispanic," according to NPR survey data. In other words, the people whose Zeitgeist Edwards et al., have been extraordinarily effective in catching are affluent, middle-aged white liberals, who tune in to the drivetime shows on their way to work and sometimes continue listening for the rest of the day. This demographic just adores NPR, and NPR gives the love right back. You like Stamberg? We'll give ya Stamberg: She was a guest on the recent "Morning Edition" radio play *I'd Rather Eat Pants*—"a comic tale of an elderly couple's cross-country trek on a young slacker's motorcycle." You like Kasell? He'll bring his dry humor to "Wait Wait ... Don't Tell Me!," a quiz show during which a wacky gang of aging journalists crack wise about the week's news. Winners even get to have Kasell's voice on their home answering machines.

And it's not just a matter of spreading the Zeitgeist personalities around. NPR also pressures new talent to mimic the style that those personalities have established. In an interview with the *Philadelphia City Paper*, Tavis Smiley, the former host of Black Entertainment Television's "BET Tonight" and new host of "The Tavis Smiley Show," pointed out that at NPR, "I have to be authentically black, but not too black." And his show bears that out: It's a good program about black topics that follows the same respectful, all-sides-of-the-issue formula of all the other good, respected programs that came before it. On the same day last month, for instance, "All Things Considered" and "Tavis" both ran stories on education reform, hitting many of the same points. NPR's strategy for holding onto its "A.T.C." and "Morning Edition" listeners is to develop programs that are slight variations on the originals. "Tavis" is the ethnic "A.T.C."; "Talk Of The Nation" is "Morning Edition" with phone calls. NPR's idea of cultural diversity is to recruit black personalities, like Smiley and new "A.T.C." host Michele Norris, and ask them to assimilate to the liberal, white, boomer mentality that dominates NPR's "All Things Considered."

This may make for a successful system of branding, but it also drives many of those who don't fit the demographic crazy. One can only hear so many stories about aging Broadway producers and bilingual poets before they all start to blur together in a boomer-friendly fog. The types of programming that appeal to, say, young people, have gone all but ignored in recent years. Daniel Pinkwater fondly reminiscing about the time his mom took him to try to see the Lone Ranger may resonate with his middle-aged contemporaries, but if you don't share those experiences, it just sounds self-indulgent and corny. It's not that hip cultural programming is impossible on public radio—Public Radio International (PRI) shows like "Studio 360" and "This American Life" do it all the time. It's just something that the polite folks in the NPR building at 7th and Massachusetts Avenue in D.C. have a very hard time pulling it off.

Delighting Us to Death

Not that they haven't tried. A few years ago, NPR launched a show called "Anthem," a contemporary music program "based on the coffeehouse model." Few of NPR's member stations picked it up, however, and it was discontinued after a short run. The contemporary music programming NPR does run on shows like "All Things Considered" tends to focus on singer-songwriters and Ghanaian guitarists, the kind of artists that educated older listeners enjoy, or want to say they know about. Even the commercial rock groups NPR occasionally profiles tend to be older people's ideas of what younger people ought to like, bands like the Wallflowers. And all the cultural programming is so mind-numbingly appreciative—a parade of reviews and portraits, of writers and books, films and filmmakers, photographers and their retrospectives—all so uniformly upbeat and positive that the listener hungers for just one discerningly negative comment.

On occasion, an inspired idea makes it through the programming meetings—such as the decision to commission commentaries by the darkly funny poet Andrei Codrescu. NPR's "Car Talk" is also genuinely amusing—though, tellingly, never more so than when the working-class Boston hosts, Tom and Ray Magliozzi, tweak their grave NPR colleagues. Mostly, though, when NPR tries to be funny, the result is a cringe-inducing show like "Wait Wait ... Don't Tell Me!," an excuse for a group of panelists with a suspicious similarity to their target audience to express their delight and whimsy at how clever and informed they are. Most of us don't look to Beltway insiders for jokes, just as we don't really want the local weatherman to yuk it up with the sports guy—it's cutesy and forced, only funny if you are an NPR junkie or a weatherman yourself.

The less formulaic stuff on public radio usually comes from another source: PRI, NPR's younger, smaller, more risk-taking rival. Though you might not be aware of it, only about a quarter of what you are likely to hear on any local public radio station is produced by NPR. Another fifth—including shows like "Marketplace" and "A Prairie Home Companion"—

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comes from Minneapolis-based PRI (the rest comes from the local station itself). Both NPR and PRI get a small amount of their operating revenues—less than 2 percent—from the federal government. The rest comes from foundations and corporate grants and, most importantly, from fees they charge the local stations for their programs. Not surprisingly, the two networks compete vigorously to sell to the affiliates.

Unlike NPR, PRI is blessedly free of The Voice. Its programs don't seem quite as reflexively aware of what they are supposed to sound like. The difference between PRI and NPR is kind of like the difference between a bull session with particularly astute friends and a lecture by a knowledgeable but vaguely condescending college professor. Kurt Andersen, host of "Studio 360," can spend an hour talking about the history of superheroes with a novelist you've never heard of without, for the most part, being irritating. Christopher O'Riley of "From The Top," PRI's engaging showcase for young musicians, counts among his influences Howard Stern. Many PRI shows are more effective in attracting younger audiences than their NPR counterparts. This is partly due to the fact that the main NPR shows are news-driven, and younger people—as is well known—tend not to follow the news. But a more apples-to-apples comparison makes the point. PRI's drive-time business program "Marketplace" is just as newsy as NPR's "Morning Edition" and "All Things Considered," though with a looser, sharper feel. But 41 percent of those who tune into "Marketplace" are under 44; "M.E." and "A.T.C." pick up just 34 percent of listeners from that age group. "Marketplace" also has a greater percentage of listeners who are older; listeners of the NPR news shows are far more concentrated around the boomer mean.

There are a number of reasons for PRI putting out shows that are attractive to both older and younger listeners. PRI carries very little infrastructure—it distributes or co-produces all of its shows, and pumps much of its news in from the BBC—and subsequently doesn't have to spend much to maintain its programming. This allows PRI to spend its discretionary money on riskier but more rewarding projects. NPR's endowment is maintained in large part to protect NPR news against periods of recession, when underwriting revenues dry up; PRI's program fund is designed to seek out innovative shows and "engage broader audiences." And NPR is, in part, hemmed in by its corporate structure. Station representatives, who generally give priority to their station's interest, occupy 10 of the 17 spots on NPR's board, and they are unlikely to push for original programming that may not fit with their station's identity. PRI's board is completely independent.

It's frightening to imagine what NPR will sound like a decade from now—lots of stories about colonoscopies and Rod Stewart still going strong at age 65.

In theory, it ought to be possible to produce programming that appeals to both aging boomers and twentysomethings—Ed Sullivan, after all, featured both The Beatles and Doris Day. In reality it's very hard to do. Robert Goldfarb of ArtsMedia LLC, an independent music and radio consulting company, explains NPR's dilemma. Its producers aren't going to attract significant numbers of young listeners to its staid flagship just by including the occasional disparate element—a biting commentary, say, or a punk song. But if they include enough such programming to attract a sizable portion of that demographic, they risk scaring off their current listeners. That means, argues Goldfarb, that NPR is fated to ride the current wave as long as it can before dumping the boomers and scrambling for the next generation of listeners.

That's not an altogether terrible thing. The current division of labor between NPR's reliable news and PRI's edgier culture programming arguably gives public radio listeners the best of both worlds. And while it's frightening to imagine what NPR will sound like a decade from now—lots of stories about colonoscopies and Rod Stewart still going strong at 65—it's possible the network will find a way to change, albeit fitfully, with the times. NPR today, after all, is sharper than it was 15 years ago, more soccer mom than radical chic; there are fewer pieces on Guatemalan macrame co-ops and more on the latest in Internet filters. Today's NPR braintrust has not quite figured out how to satisfy everyone, but at least it's making its aging constituents happy. Perhaps in its next iteration NPR will find a way to bridge the generation gap—that divide between boomers and the rest of us. ●

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Tax and Fend

Bush's assault on tax fairness is part of an old Republican tradition—but not the only one.

BY ROBERT S. MCINTYRE

SPEAKING BEFORE THE NAACP ANNUAL convention in 2000, candidate George W. Bush famously apologized for the GOP's history of racial insensitivity. "The party of Lincoln," Bush said, "has not always carried the mantle of Lincoln." As president, Bush has taken a few modest steps to bridge the racial divide—for instance, hiring Colin Powell and Condi Rice. But when it comes to another old and bitter split in American politics, over who shall pay how much in taxes, George W. Bush is no Abe Lincoln.

THE GREAT TAX WARS: Lincoln to Wilson—The Fierce Battles Over Money and Power That Transformed the Nation
by Stephen R. Weisman
Simon & Schuster, $27.00

Unlike Bush, our first Republican president was a long-standing proponent of progressive taxation. As *New York Times* reporter Stephen R. Weisman explains in his new book, *The Great Tax Wars*, Lincoln started early, when he pushed (unsuccessfully) for a graduated property tax as an Illinois state legislator, arguing that such an approach was not only equitable within itself, but politically savvy, since the "wealthy few ... are not sufficiently numerous to carry the elections." Then, as president, facing the burden of finding money to wage the Civil War, Lincoln took an even more radical step. Congress had been considering only higher tariffs and excise taxes to pay for the war. But "after a storm of criticism that these new steps would fall most heavily on the poor," writes Weisman, it became clear that something different was needed. After the Union's devastating defeat at Bull Run, and amid a spate of war profiteering and other corporate scandals, Rep. Schuyler Colfax, a Republican from Indiana, suggested imposing a federal income tax, with higher rates for those best able to pay. Lincoln happily supported the idea.

Many in his own party furiously disagreed. Thaddeus Stevens, the Pennsylvania Republican who chaired the House Ways and Means Committee, complained—in language that still echoes in *The Wall Street Journal* editorial pages—that it was "vicious" and "unjust" to impose "a punishment of the rich man because he is rich." When Congress passed a primitive income tax bill in 1862, Lincoln's defiant treasury secretary, Samuel Chase, ignored the law, preferring to fund the war through more government borrowing (sound familiar?). When that source became difficult to tap and Union setbacks continued, Chase talked Lincoln into printing more greenbacks—despite justified fears that doing so would spark inflation.

The following year, Congress passed, and Lincoln signed, a more carefully thought out income tax bill, which included the creation of a new agency to administer it. The new law established a two-rate system of 3 percent (for incomes over $600) and 5 percent (for incomes over $10,000), as well as taxes on inheritances, corporations, and various commodities. By the end of the war, top tax rates had been raised to 10 percent to squeeze "the millionaires ... who

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can afford to pay liberally of their means" as one proponent put it. But while the North funded its side of the war with a progressive income tax, the South took too long to follow suit. Unbacked by revenue, Confederate money soon became almost worthless, costing the South its ability to finance its rebellion. The North's income tax, Weisman notes, was "crucial to the prosecution and winning of the civil war."

Unfortunately, Lincoln's example is lost on President Bush. Shortly after he took office, Bush pushed through a tax bill that drastically reduced taxes on the wealthy. Supposedly, projected surpluses were to cover the huge cost. But since then, as the costs of war and the size of deficits have mounted, the administration hasn't pushed to raise taxes—as virtually every other president in wartime has done—but actually has sought to cut taxes further. Hints from the White House suggest that in his State of Union address, Bush will call for making last year's tax cuts permanent and perhaps for replacing the corporate income tax with a far more regressive national sales tax—a move that, if successful, would probably put the personal income tax on the road to oblivion, too.

As Weisman makes clear in his excellent history of the income tax, this back-and-forth battle between Democrats and Republicans over income taxes is part of a debate that has held remarkably consistent over the years.

Rites of Passage

As every schoolchild is taught (and as many adults try to forget), the Founding Fathers adopted the Constitution to give the federal government the power to run the country effectively—and to do so, the power to tax. But the Founders' dream of a robust United States took a long time to come to fruition because the taxing power lay largely dormant for the first 70 years after the Constitution was ratified. Instead, the federal government funded its limited activities through highly regressive consumption taxes, mainly protectionist import duties.

The Civil War income tax temporarily changed the consumption tax approach, and even after the war the income tax was maintained for a while to help pay off the war's huge debt. At its peak in 1867, the income tax accounted for one-quarter of total federal revenues. But the Republican-controlled Congress soon returned to its Whiggish roots, gradually reducing and finally repealing the tax in 1872, and reverting to high, protectionist tariffs to pay its bills. "By the end of Reconstruction," Weisman writes, "the system of high tariffs was impregnable and the income tax but a memory."

Not everyone agreed with this return to regressivity. Republican Sen. John Sherman of Ohio, who later authored the Antitrust Act, for example, argued strenuously that it was unfair to tax the consumption of the poor and middle classes while leaving the rich alone. But for two decades after repeal of the income tax, proposals to reinstate it were rebuffed.

By the 1890s, Weisman points out, tariffs had jumped to "nearly 50 percent of the value of goods purchased by consumers"—an enormous burden on most Americans, but a boon to U.S. corporations who could keep their own prices high due to the absence of price competition from abroad, making the tariff system effectively a negative tax on the wealthy. Voters became fed up with the GOP's corrupt corporate toadying and in 1892 elected Democrat Grover Cleveland, who promised reform, to the White House. Two years later, Cleveland joined the populist Rep. William Jennings Bryan of Nebraska in a fight to restore the income tax. Bryan's proposal was remarkably timid: a mere 2 percent tax, applicable to corporations and the 2 percent of the population making more than $4,000 a year.

Nevertheless, it was quickly attacked. During the congressional debate, one opponent argued that poor Americans would feel "humiliated and degraded" by not having to pay the income tax, fearing they would lack the "first-class citizenship" accorded those whose incomes were sufficiently high. Noting that poor Americans paid far more than their fair share of tariffs, Bryan replied, "If taxation is a badge of free men, the poor people of this country are covered all over with the insignia of free men." Another critic contended that the 2 percent income tax would drive "rich men to go abroad and live," to which Bryan countered, "Of all the mean men I have ever known, I have never known one so mean that I would be willing to say of him that his patriotism was less than 2 percent deep."

A Taxing Debate

Congress eventually approved the 1894 income tax bill, but it faced one more hurdle: the U.S. Supreme Court. The high court of the late 19th and early 20th centuries was one of the most notorious in American history, legitimizing Jim Crow laws in *Plessy v. Ferguson* by establishing the infamous "sep-

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arate but equal" precedent for black and white facilities, and rejecting a state law to establish a maximum work week of 60 hours in the 1905 decision *Lochner v. New York*.

In 1895, the court considered the newly passed income tax law, which was being challenged by corporate interests. By a 5-4 vote, the court declared it to be unconstitutional. There was no single majority opinion in *Pollack v. Farmers' Loan and Trust Co.*, but rather several opinions, offering conflicting and wholly unpersuasive legal arguments for the decision. But the underlying rationale was clear: The income tax, wrote one justice, is "an assault on capital," a path to "sure decadence," and a "stepping-stone to ... a war of the poor against the rich." (The contemporary conservative tactic of attacking those who favor progressive taxes as indulging in "class warfare" is apparently nothing new.) It would take two decades and a constitutional amendment to undo the decision.

The idea that the wealthy alone carry the burden of paying for government is as wrong today as it was a century ago.

In the early part of the 20th century, concerns about excessive concentrations of wealth and power continued to grow. Ironically, Theodore Roosevelt, who was number two on the extremely conservative McKinley-Roosevelt ticket that defeated Bryan in the presidential election of 1900, came to personify the Progressive campaign to improve tax policies. In the spring of 1906, President Roosevelt proposed restoring the federal estate tax. Later that year, he called for a graduated tax on income as well.

But Roosevelt was more talk than action when it came to taxes. His Republican successor, William Howard Taft, who believed it was his mission to fulfill Roosevelt's goals, succeeded in enacting a 1 percent corporate income tax in 1909 (dubbed an "excise tax" to get around the *Pollack* decision). Taft's efforts to pass a personal income tax, however, were thwarted by the GOP Congress. As a sop to Taft and public opinion, Congress instead approved a constitutional amendment to overrule *Pollack*, confidently assuming that it would fail to gain the required support of three-fourths of the mostly Republican-controlled state legislatures.

A few, mostly southern states, quickly endorsed the income tax amendment, led by Alabama in 1909 and followed by Georgia, Illinois, Kentucky, Maryland, Mississippi, Oklahoma, and Texas. But support in the wealthy northeast and mid-Atlantic states looked doubtful. Then Roosevelt intervened once again. His petulant decision in 1912 to challenge Taft for the presidency as a "Bull Moose" split the Republican party, and, Weisman explains, "Democratic routs of previously Republican [state] legislatures ... turned the tide [for ratification]."

Entrenched business interests fought bitterly in places like New York, where a Republican newspaper argued that the tax would "divide the population into two classes, the class which contributes to the support of the Government, and the class which does not contribute." Again, one hears almost exactly this argument from conservatives today. One GOP lawmaker told *The New Yorker*'s Nicholas Lemann in 2001 that unless Congress passed Bush's tax cuts for the wealthy, "[t]he tax code will destroy democracy, by putting us in a position where most voters don't pay for government." The truth, of course, is that ordinary citizens pay dearly for government, not just through their share of the income tax but also through payroll taxes, state, and local taxes, and other levies that fall much harder on them than on the rich. The idea that the wealthy alone carry the burden of paying for government is as wrong today as it was a century ago. As Weisman points out, that Republican newspaper's comment was "absurd ... given that the class that supposedly 'does not contribute' was actually paying most of the revenues in the federal treasury as customs duties and excise taxes." By early 1913, all but six states had ratified the 16th Amendment authorizing Congress to "tax incomes from whatever source derived."

Borne Again

The new Democratic president, Woodrow Wilson, became the first to implement this new authority, which he did eagerly, quickly proposing to slash tariffs and replace them with a progressive income tax. The protectionist tariff system, Wilson argued, "cuts us off from our proper part in the commerce of the world, violates the just principles of taxation,

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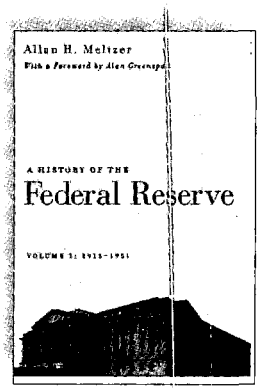
and makes the government a facile instrument in the hand of private interests." To blunt charges of class warfare, Wilson's Treasury secretary, a wealthy businessman named William Gibbs McAdoo, added his voice, condemning the tariff system as "a general tax on the entire population for the benefit of private industry," the effect of which was to raise consumer prices not only on imports but on domestic products as well.

At the end of the summer of 1913, over strenuous Republican opposition, the Democratic Congress approved Wilson's tax reform program, which sharply cut tariffs and exempted many necessities altogether. To replace the lost revenue, the new law established a progressive income tax on the wealthiest 4 percent of the population, with rates topping out at 7 percent on incomes greater than $500,000.

Wilson's tax reform was a huge victory for tax fairness. Conservatives were, of course, not happy. The president of the American Bar Association accused Democrats of "seeking to turn back the tide of progress" and "plunge us into a sea of socialism." The National Association of Manufacturers issued stickers saying "Free Business from Political Persecution." But such rants, at that moment in history anyway, were generally ignored.

A HISTORY OF THE
Federal Reserve
VOLUME 1: 1913–1951
Allan H. Meltzer
With a Foreword by Alan Greenspan

"Allan Meltzer . . . has delved deeply into the history of the Federal Reserve System, with a result that will add substantially to the discourse on the institution's role and development. He has reviewed the records of policy discussion at an extraordinary level of detail, and his analysis illuminates the contributions of the many fascinating individuals who shaped the Federal Reserve System we know today."—Alan Greenspan, from the Foreword



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The new income tax was propitiously timed. With the United States' entry into World War I, the federal budget jumped from less than a billion dollars in 1916 to almost $14 billion two years later. "The income tax," Weisman notes, "was needed to finance that explosion in spending." By the war's end, the top income tax rate had reached 77 percent, corporate rates had increased sharply, and a permanent estate tax had been instituted as well.

Weisman ends his tale with the Republican takeover of the Congress in 1918 and the White House two years later. But he points out that while taxes were cut sharply after World War I, the philosophy "that taxes ought to be borne according to the ability to pay" had taken root in the American psyche. He notes that in 1913, nearly 95 percent of federal revenues came from regressive taxes on consumer spending. Yet by 1930, even after Presidents Harding and Coolidge reduced taxes, two-thirds of federal revenues came from progressive personal and corporate income taxes—percentages similar to today's.

Tax Traditions

The battle over just what constitutes equitable taxes will probably never be conclusively settled, if only because so much money is at stake. Since Wilson first instituted the income tax, conservative presidents and Congresses have typically advocated less-progressive tax rates and more loopholes for corporations and the wealthy, while liberals have usually pushed in the opposite direction. But the terms of the tax debate haven't much changed. To this day, the rich are alternately tarred as unpatriotic tax evaders and praised as swashbuckling engines of economic growth (who somehow manage to become uninspired and indolent at the thought of paying taxes).

But with all the ebbs and flows, even politicians who favor the most outrageous tax giveaways to the well-off have tended to couch their arguments in faux-populist tones. George W. Bush, for example, finds it necessary to insist—preposterously—that his recent upper-income tax cuts made the tax system more progressive and that his repeal of taxes on inherited wealth reflects his concern for small businesses and farmers.

Weisman successfully gets to the heart of what the tax fights were really about from 1860 to 1920, and thereby helps us understand much better what they're about today. With the Bush administration's new economic team in place and an eye on reelection in 2004, it's a good bet that history—tax history, anyway—will soon be repeating itself once again. ●

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Mensch at Work

The dilemma of Joe Lieberman.

By Noam Scheiber

It was back in March of last year when Joe Lieberman, overcome both by his gratitude to Al Gore and his own satisfaction at being capable of such gratitude, began to make the sort of statements that give political consultants indigestion, promising not to pursue the Democratic nomination in 2004 if Gore chose to run again. In many ways, the pledge summed up the Joe Lieberman Washington has come to know over the years—that rare politician completely lacking in guile, a man who unflinchingly places his personal honor above his political ambition. The problem is that Lieberman *is* a politician. And politically, the pledge was a self-inflicted wound—something no one had demanded of him but which, once offered, would inevitably tie his hands.

AN AMAZING ADVENTURE
Joe and Hadassah's Personal Notes on the 2000 Campaign
by Joseph and Hadassah Lieberman
Simon & Schuster, $25.00

You might think that a politician who found himself in this situation would choose one of two options: Either break the pledge and deal with the inevitable flak, or live with the mistake and sideline his presidential ambitions. But Lieberman did neither—or, rather, both. Publicly he continued to affirm the pledge, if anything even more vigorously as time went by. Privately, he spent the next several months doing all the things presidential candidates do, giving speech after speech in key presidential primary states and raising money hand over fist for his leadership PAC. This summer he floated criticisms of Gore's 2000 "people versus the powerful" mantra, highlighting the ideological distance between himself and his patron and implicitly identifying the rationale for his own candidacy. And, in recent weeks, he and his wife Hadassah have hosted a series of dinners with top Democratic operatives, whom they lobbied to hold out for a possible Lieberman campaign—or, at the very least, "not to commit [to another presidential candidate] unless they talked to him first," as one dinner guest recently told *Roll Call.*

Fortunately for Lieberman, Gore's decision not to run again made the pledge moot. Still, the episode epitomizes the dilemma Lieberman poses both for himself and the Democratic Party. On the one hand, he is a politician of real substance, that rare high-profile Democrat who has serious thoughts about foreign policy—who, for instance, understands why the use of force might be a legitimate response to the threat of a nuclear-armed Iraq, but hopelessly counter-productive in North Korea. He has courageously dissented from the party's interest-group-imposed orthodoxy on issues like trade and education. And his reputation for moral clarity served the nation well at the height of the Lewinsky scandal, when he publicly condemned Clinton's behavior while balancing it with an argument that the president hadn't committed an impeachable offense.

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On the other hand, Lieberman is so dedicated to preserving his good-guy credentials that, as with the pledge, he invariably boxes himself in with traps of his own making. He relished his role as head of the Senate Government Affairs Committee, particularly in the aftermath of the Enron scandal, which offered all sorts of juicy opportunities for congressional Democrats to investigate the Bush administration. But while Lieberman didn't hesitate to use his chairmanship to raise his profile on Enron—for example, by giving a major speech about the decline of corporate ethics—he balked when it came time to do the partisan dirty work that would have put the administration on the defensive. It took Lieberman more than three months from the time he announced his committee's Enron investigation to finally hand the administration a subpoena.

Lieberman wants it both ways. He doesn't want to be a tacky politician, but neither does he want to deprive himself of the tools that tacky (which is to say, successful) politicians exploit.

Like all politicians, Lieberman is well aware that to succeed politically you must occasionally throw an elbow—something no one would begrudge him since it's how the game is played. The difference between him and other politicians is that Lieberman's chief political asset is being the guy who never throws an elbow. This creates an interesting tension: The more he advances politically, the more aggressive and self-serving Lieberman must become to continue to advance—as would be true of anyone. But it's also the case that the farther he advances, the more visible he becomes, and the more critical it becomes to preserve his aboveboard reputation. Over time, the competing demands of his political ambition and reputation pull Lieberman in increasingly different directions. The strain is starting to show.

Love Me Two Times

An Amazing Adventure, Lieberman's new book about the 2000 campaign, has been written with two audiences in mind—Beltway insiders and the broad swath of potential voters. For general consumption, the book, co-written with Hadassah, is packed with the sort of sentimental anecdotes that make morning talk-show producers coo. For example, Lieberman revels in the historic occasion of his vice presidential candidacy. There's the reprise of all the swooning day-after headlines; the frequent allusions to John Kennedy's nomination in 1960; the post-selection conversation with Jesse Jackson, who, Lieberman fondly recalls, explained that, "In America, when a barrier is broken for one group—or even for just one person—the doors of opportunity open wider for every other American." The book opens by describing how Associated Press reporter Ron Fournier reacted when Gore's press aide leaked word of Lieberman's selection: "You're going to make history and I'm going to write it."

This is, to be sure, a legitimately inspiring story. But here, too, Lieberman's fixation on virtue complicates things. He starts off proclaiming his reluctance to trade on his life story. But then he turns right around and reminds us that he is the child of a bakery truck driver and the first person in his family to go to college; that Hadassah was the child of Holocaust survivors and an immigrant herself; and that everywhere they went, this moved people to tears. Lieberman concludes that "[f]or a lot of first-generation Americans [Hadassah] became a symbol of what was possible for them and their children in America." Many of these passages are even supplemented, mockumentary-style, with brief reflections from Hadassah—as when she remarks that "In the campaign, something amazing happened. I talked about the fact that I was an immigrant and how that not only connected me in a very personal way with other immigrants but also seemed to make me more American."

By any measure, the Liebermans' biographies are tremendous political assets. A politician would have to be very foolish not to flog them on the campaign trail—especially since almost no one would think the worse of him for doing it. But Lieberman wants it both ways. He doesn't want to be a tacky politician, but neither does he want to deprive himself of the tools that tacky (which is to say, successful) politicians exploit. What he doesn't seem to

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understand is that announcing your reservations about something you're going to do anyway only makes you look tackier.

For insiders, meanwhile, Lieberman's book reads like a blunt pitch for his presidential campaign. Early on, for example, he goes step by step through each Democratic interest group that could have vetoed his nomination in 2000—as if to prove his viability as a Democratic primary candidate in 2004. The trial lawyers were upset over his sympathy for tort reform, the teachers unions over his flirtation with vouchers, African-Americans over his discomfort with affirmative action, labor over his support for free trade. But Lieberman dispatches his longtime colleague Sen. Chris Dodd (D-Conn.) as an emissary to these groups, and Dodd returns with assurances that none will pose a problem for his vice presidential nomination—and, presumably, for a future presidential run as well.

It is to this audience that Lieberman also tries to defend his decision to stick with his Senate reelection campaign when he joined the national ticket in 2000. "[I]t didn't make sense to me that someone in California, or Florida, or Pennsylvania would vote against our ticket because I was running for Senate in Connecticut," Lieberman explains. But the question of whether his Senate candidacy was best for the presidential campaign is beside the point (and ultimately a losing proposition). The right question—the only question a good politician would ask—is whether it was best for him. If only Lieberman had been honest about it, most observers would have cut him some slack.

Not surprisingly, Lieberman took great pains to preserve his virtuous image as the campaign progressed—even when it conflicted with Democratic strategy. Yet over and over in his own retelling he claims credit for having done right by Gore. Take the vice presidential debate, where Lieberman's milquetoast performance was widely seen as a disappointment in Democratic quarters, saving Cheney the kind of dogfight that would have made him look dour and severe. As a way of rationalizing this, Lieberman confides that he was all set to play attack dog, but "the pollsters and the consultants counseled otherwise. Their surveys and focus group results were clear. The public doesn't want another antagonistic debate." Come again? A vice presidential nominee's role in the debate has always been to attack the other party's standard-bearer. Not only does Lieberman refuse to accept blame, he denies that Democrats even missed an opportunity, pushing a tired, everybody-was-a-winner line instead: "[Dick Cheney and I] proved that political debates don't have to be all attacks or all sound bites," he enthuses. "We treated voters with respect by respecting the importance of the issues." But this is preposterous. Political campaigns are zero-sum games. If Cheney did well, by definition Lieberman did not.

Likewise, after the election had dragged on into its recount phase, Lieberman, who had the luxury of returning to that Senate seat he'd kept warm during the campaign, publicly questioned certain tactics that might have tainted his precious moral purity but which would have increased Gore's chances of winning. The most famous concerned a set of military absentee ballots, which many Democratic operatives believed had been mailed out by partisan officials after Election Day and which they wanted to challenge. Yet even as he privately advocated aggressive tactics, Lieberman appeared on "Meet the Press" to publicly distance himself from the effort—and at a time when Republicans like Norman Schwarzkopf were beating up Gore as unpatriotic. "Count every vote," Lieberman told Tim Russert, implicitly endorsing the Republican line of attack. "If I were there, I would give the benefit of the doubt to ballots coming in from military personnel generally."

As Lieberman recalls in the book, "I felt very strongly that I had been on message. I thought I had handled it exactly the way the campaign would have wanted me to handle it." Really? By his own admission, Lieberman had had a conversation with campaign advisors about the issue the previous night. It's hard to believe that their advice to him was "backpedal like a fiend." If nothing else, the fact that so many Democratic insiders felt that Lieberman had sold the campaign out on national television would seem to indicate the opposite.

Does any of this disqualify Lieberman from running for president? Not in the least. He may lack the vigor to win (that sounds trivial, but as Bill Clinton put it a couple of weeks ago, "When people feel uncertain, they'd rather have someone strong and wrong than weak and right"). But Lieberman has a compelling moderate, and, just as important, coherent worldview that desperately needs a voice in the Democratic primary. Now that he's no longer burdened by his pledge to Gore, he should tone down the mensch routine—and all the tortured rationalizations that come with it—and enter the fray. ●

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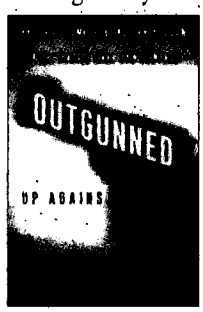
Off Target

The biggest challenge to the NRA may not come from trial lawyers, but from demographics.

BY STEPHEN POMPER

SEVERAL MONTHS AGO, AT THE HEIGHT of the Washington sniper crisis, conservative *New York Times* columnist and Maryland suburbanite William Safire wrote an uncharacteristic column calling for the government to do something, for God's sake. "Congress should make it easier to identify ammunition and the weapons of individual destruction that fire it," Safire declared. "Gun registration's time has come." This slightly panicky outburst amused online commentator Mickey Kaus. Recalling the old joke that a conservative is a liberal who's been mugged, Kaus observed that "a statist is a libertarian who can't walk his dog."

Right—and gun control is what will come to pass when all those anxious dog walkers reach critical mass and head for the voting booth. Meanwhile, *Outgunned*, by journalist Peter Harry Brown and trial attorney Daniel G. Abel, is about what's happening in the here and now. More specifically, the book is a sympathetic look at the efforts of a nationwide consortium of trial lawyers (including Abel) who called themselves the "Castano Group," and who took on the gun industry in the late 1990s. Why are these lawyers particularly interesting? While it's true that others had already tried to sue the gun industry (including in a well-publicized New York litigation), the Castano lawyers were different. In the world of the plaintiff's bar, they were the A-Team. They had resources, connections, and experience—including the experience of winning a $346 billion settlement from the tobacco companies. They were also ambitious. Beginning in 1998, the Castano lawyers launched anti-gun suits in cities across the country—until more than 30 state and local governments were involved in litigation against the gun industry.



OUTGUNNED:
The First Complete Insider Account of the Battle Over Gun Control
by Harry Brown and Daniel G. Abel
Free Press, $26.00

The Castano lawyers knew this would be extremely challenging litigation and were proven correct—most of it has floundered or failed. So why did they do it? Not for the cash, insist the authors, who point out that the gun companies do not have the same deep pockets as Big Tobacco and could never offer the same kind of rich settlement that the tobacco litigation yielded. But even if one accepts that the lawyers' motives were largely pure (maybe they were, maybe they weren't)—and, indeed, even if one discounts their failures in court—*Outgunned* is not a book that inspires great confidence in the potential of litigation to solve the nation's most vexing policy issues.

It also is not a very reflective or analytic book. To be fair, *Outgunned* bills itself as an "insider account of the battle over gun control." This is meant to be juicy stuff, not a policy tract. But without much critical argument to distract the reader, the book bogs down in a muck of appalling details about the Castano lawyers who are supposed to be our heroes—facts that the authors unabashedly trot out and never successfully excuse. The key players include well-connected Washington, D.C., lawyer John Coale—who is called "the clown prince of the legal world"—and Cincinnati's Stanley Chesley, a.k.a. the "sultan of settlement." But the lion's share of the limelight is reserved for the book's co-author Abel and his partner, Wendell Gauthier, with whom Abel bonded at the site of the Union Carbide disaster in Bhopal,

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India. Ah yes, those were the days. "While an elephant chased Gauthier through the streets of India," recall the authors, "Abel crept over terrain with thickets full of cobras to spy on the Union Carbide plant."

Excuse me, but doesn't that sound like the voiceover for an old "Rocky & Bullwinkle" segment—all deadpan and credulous? What's more, the authors manage to sustain this tone for much of the book, making for reading that, despite the subject matter, sometimes verges on the hilarious. In one memorable scene, the Castano lawyers make the mistake of letting a reporter, Matt Labash of the conservative *Weekly Standard*, tag along for a few days while they work and play. Labash discovers firearms "everywhere" on these ostensibly anti-gun lawyers, including "in Danny Abel's automobile [and] inside the jacket of [colleague] Michael St. Martin—who pulled out the weapon in a fancy restaurant." "I think this is really going to hurt our credibility," intones a sorrowful Gauthier after Labash has left, armed with all the goods for a truly world-class takedown.

Well gosh, Bullwinkle, that's right—and the same observation might be made of *Outgunned*. Indeed, by the time we read about Gauthier's adventures in riverboat gambling and learn that John Coale's law license was suspended as recently as 1996 for "professional misconduct in soliciting clients," the Castano lawyers are all but stripped of credibility. I say this, by the way, as a lawyer who has some appreciation for the useful role that trial attorneys can play in ensuring that manufacturers take responsibility for the goods and services they produce. I certainly don't reflexively dislike trial lawyers. But *Outgunned* gives precious little reason to trust the judgment of its protagonists—much less afford them a prominent role steering national policy in an area pretty far from their normal product liability work.

That brings up another problem the book never successfully grapples with: The Castano lawyers do not seem to have much of a case. Standard product liability principles wouldn't work here because guns tend not to be defective—they function all too effectively. So instead the Castano lawyers have tried to work with a "public nuisance" theory—an archaic legal concept retrofitted for the present circumstances. The nuisance theory holds that by oversupplying markets outside city limits with guns, manufacturers create a surplus of weapons that find their way into criminal hands. The gun-toting criminals then head right into town and create a public nuisance for which the manufacturers may be held liable.

The problem with this theory is that in order to find the manufacturers liable you must first conclude that they had a duty to keep track of their guns after they were lawfully sold into the distribution chain. Maybe that is something we want gunmakers to do, but it's the kind of expectation that's ordinarily announced by a new law or regulation. Courts shouldn't pull this stuff out of thin air, at least not usually. To be sure, once in a long while the courts do get ahead of the legislature to good effect. As Wendell Gauthier notes, "If lawyers hadn't launched *Brown v. Board of Education*, you would never have had integration because it was so unpopular with lawmakers." But while this may be the case, the gun suits are not *Brown*, the Castano lawyers are not Thurgood Marshall, and the courts have made it clear—through a chilly reception—that they do not find the parallels to be especially compelling.

In the end this may all be for the best. For all its resonance, the question of how to achieve sensible gun control is really a matter of fine-tuning public policy: How many guns a month should someone be able to buy? How should we handle unregulated gun-show sales? How do we achieve registration and manage the information that it confers? Courts mete out justice by conferring permanent and inflexible rights and therefore are not particularly good at getting down into the weeds on issues like gun control. By contrast, legislatures are well-equipped to handle these sorts of issues—if they choose to do so.

The difficulty for gun-control advocates is that legislatures generally don't choose to do so, in part because of the strength of the gun lobby. The Senate bucked this tendency in May 1990, when it passed a package calling for child-safety devices on handguns, restrictions on semi-automatic weapons, and expanded background checks. But several weeks later, this package was defeated in the House of Representatives, making the National Rifle Association, the chief opponent of the measure, look even more powerful than it did before.

There is, however, some potentially encouraging news for those who seek better gun control. It turns out that the NRA may not be in the driver's seat forever. In perhaps the most interesting passage of *Outgunned* a former CEO of Smith & Wesson notes that, despite its current strength, the NRA's base is eroding: Fathers don't teach their sons to shoot anymore, fewer people are getting into the sport, and fewer voters are owning guns. Meanwhile, with every suburban gun tragedy, a few more William Safires chafe at their flak jackets and look for help from the statehouse. The Castano lawyers may have been outgunned in court, but if these demographics continue, gun control may have a bright future without them. ●

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Political Booknotes

Long Good Buy

By Nicholas Lemann

WHAT THE SECOND WORLD War is to the "greatest generation," the suburbs of the 1950s are to baby boomers—psychologically hallowed ground to be endlessly revisited. (Let's leave for another day the question of why one generation keeps going back to young adulthood and the other to childhood.) Lizabeth Cohen, a history professor at Harvard, proudly opens *A Consumers' Republic* with an adorable photograph of herself and her younger sister as little girls in the yard of a New Jersey ranch house in 1956, and follows that with a short autobiographical account of her greatest-generation parents' steady movement up the New York suburban ladder after the war. And the more conventionally historical bulk of her book touches many of the familiar postwar cultural bases, from Levittowns, to David Riesman's *The Lonely Crowd* and William H. Whyte's *The Organization Man*, to tailfinned automobiles designed for "planned obsolescence," to the psychologist Ernest Dichter figuring out how to make housewives buy appliances, to the rise of shopping centers and then shopping malls.

A CONSUMERS' REPUBLIC
The Politics of Mass Consumption in Postwar America
by Lizabeth Cohen
Alfred A. Knopf, $35.00

The conceptual rubric under which Cohen places all this comforting material is new, however: It's the idea that the mid-to-late-20th-century United States became the first country to organize itself politically around the idea of its people as individual consumers. Consumerism, as she presents it, has its roots in the New Deal, but it took off after the war, when the country became steadily more prosperous and mobile and the Democratic Party retreated from its prewar commitment to a political order based on an ever-growing welfare state and a heavily regulated economy. It turns out that all sorts of apparently disparate material fits into Cohen's category: consumer cooperatives and Keynesian economics, boycotts (especially Martin Luther King Jr.'s Montgomery bus boycott in 1955), the G.I. Bill, Ralph Nader during his consumer-crusader phase, the rise of segmented marketing, and suburban real-estate development patterns. Cohen often uses New Jersey as a specific example of whatever general trend she's discussing.

Journalists don't usually complain about academics being insufficiently theoretical, but in this case, Cohen's interesting basic idea provides so broad a license for going over a lot of fairly well-known history that the book's ratio of information to explanation is too heavily canted toward information.

Liberal intellectuals have generally been hostile to the developments Cohen is writing about, because the notion of a polity based on individuals pursuing their own interests as purchasers, leading to a privatized, atomized society, doesn't conform well to the liberal ideal of a good (meaning communitarian) society. Cohen has a distinct soft spot for the "consumers' republic," and specifically for 1950s suburbia—but it only extends so far. She creates two subcategories of consumers: "citizen consumers," who organize as buyers around liberal political goals, and "purchaser consumers," who merely look after their own interests in the marketplace. She generally approves of citizen consumers, and generally disapproves of purchaser consumers; it's good when consumers band together to demand safer cars, or an end to segregation, but not when they band together to limit property taxation or to build walls around their suburbs.

Cohen's idea of the "consumers' republic" has something in common with the idea of a consensus, or brokered, state that prevailed in the social sciences during the baby-boom days: Every citizen would merely pursue self-interest, individually or through participation in a group, and the overall result would be good.

The trouble with such a regime is obvious from Cohen's account: Encouraging people to come to politics for themselves, and only for themselves, has the quality of opening Pandora's Box, and it becomes ever harder to maintain a sense of shared purpose and mutual obligation in the society, or to mount political actions that don't have a consumer rationale. Consumerism, in other words, may lead inevitably to conservatism, which is much more comfortable than liberalism with the idea that pursuit of individual self-interest can be the basis of a good society.

As Cohen points out, liberal social critics are usually skeptical of consumerism for just that reason. But if she wants to offer a partial defense of consumerism, then it's important to suggest a way of drawing the conceptual line between the citizen variety she likes and the purchaser variety she doesn't. How to prevent the former from morphing inevitably into the latter? Is there a larger set of principles regarding how citizens should balance their interests and their obligations to the society as a whole, allegiance to which would keep the United States on what she'd consider the right side of the citizen-purchaser divide, while remaining a consumers' republic? More fully worked out answers to these questions would have taken Cohen's book into a higher, though possibly less charming, realm than the one it occupies, in which we are once again immersed in a world we'll never grow tired of.

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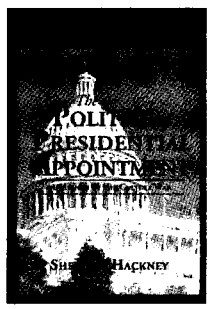
Appointment With Destiny

By Todd Gitlin

NOT SO LONG AGO, WHEN AN Ivy League university president nominated to run the National Endowment for the Humanities was pilloried by conservatives for knuckling under to campus radicals, Ralph Reed, the whiz kid of the Christian Coalition, dubbed him "The Pope of Political Correctness," a phrase whose import—both halves of it—was unlikely to be missed by his fundamentalist Protestant legions. The president in question, Sheldon Hackney, born and raised in Birmingham, Ala., was a Methodist, but the wrong kind—a seeker of common ground. He had married into the distinguished liberal Durr family and was not Jesse Helms's idea of a defender of free speech. At the University of Pennsylvania, Hackney tried to reconcile warring students while honoring due process. "One of the most prominent apologists for political correctness," sniffed Sen. Helms.



THE POLITICS OF PRESIDENTIAL APPOINTMENT: A Memoir of the Culture War
by Sheldon Hackney
NewSouth Books, $25.95

Sheldon Hackney's *apologia pro vita sua* is an elegant, persuasive defense of a judicious approach to the culture wars, but it is also an indispensable study of the press, much of which played useful idiot to the crackpot right's crusade against what they took to be campus radicalism as they pumped themselves up for the Gingrich moment of 1994. Led by the editorial page of *The Wall Street Journal*, which devoted no fewer than seven editorials to Hackney's thought-crimes during the spring of 1993, the press jumped all over Hackney, charging him with despising free speech and truckling under to disruptive nonwhite students. A chorus of reliable pundits chimed in against the demonic Ivy Leaguer: Rush Limbaugh, George Will, Charles Krauthammer, Pat Buchanan, and John Leo, among others. In an uproar of maximum feasible misunderstanding and viciousness reminiscent of the Whitewater froth running concurrently, the press produced a caricature of the actually (in his phrase) "mild-mannered, unassuming" Hackney. The result, when Bill Clinton nominated Hackney to run the NEH, was "not only ... the worst time of my life, but ... an out-of-body experience. I followed the story in the press of some idiot named Hackney, who was either a left-wing tyrant or a namby-pamby liberal with a noodle for a spine. My critics couldn't decide which. Not only did I not recognize him, I didn't much like him either."

To Rupert Murdoch's *New York Post*, Hackney was the "Crackpot Prez" of the University of Pennsylvania, where he had not only had the audacity to employ Lani Guinier, but also had permitted a white (Israeli, as it turned out) student to be charged with violations of student conduct for yelling what was arguably a racist remark at some noisy black students, standing up for university due process in this and other controversial cases. At a time when anti-PC fevers ran high, these cases—or rather, the inflamed, distorted version of them caroming through the right's uproar machine—became canonical.

To Hackney, the saga of his attempts to hold a middle ground at Penn is "a story about the gray area, about how hard it is to be a centrist when the forces of polarization are so strong." When some black students, outraged by what were at the least a series of insensitive racial sneers in the *Daily Pennsylvanian*, stole 14,000 copies of the paper from the free racks around the campus, Hackney not only forthrightly condemned this act but also had the audacity to note that "two important University values, diversity and open expression, seem to be in conflict." It is a matter of some irony that the paper's then executive editor, who claimed (falsely, says Hackney, who has gone to some lengths to substantiate his story) to have requested the university administration's help in guaranteeing the paper's distribution would be unfettered, was one Steven Glass, later a shooting star at *The New Republic* until exposed as a serial fabulist. Glass falsely charged that "Hackney ... stopped short of condemning the theft" by black students of the newspaper, which had been given to right-wing provocations with racial coloration. Glass was a central promoter of the story line that the right-wing press picked up—casting the university administration as Pilate. A visitor from Mars might wonder why Glass, a serial liar ushered into a brilliant career by various gatekeeper luminaries on the right, isn't an object lesson in the degeneration of a Gomorric intellectual culture. John Leo, George Will, are you listening?

Hackney is too polite, too even-handed, and too close to his story to ask such a persnickety question. He tells his tale of Penn and the Senate debate methodically—at times in more detail than anyone not intrinsically fascinated with the doings of the University of Pennsylvania will care to absorb. He is alert to the deeper meaning of the culture wars, which he interprets as the right's attempt to roll back the 1960s cultural insurgencies.

Whatever Helms and *The Wall Street Journal* thought, Hackney was an old-fashioned liberal, objecting to a "polarized atmosphere [in which] the public has no chance to understand complex issues. Not only are moderates trampled underfoot, but the great gray areas where life is actually lived, the areas of ambiguity and tradeoffs between competing values, are rendered toxic to human habitation. This is not healthy for a democracy." Eventually some conservatives came to understand what he had in mind—Orrin Hatch supported him, for example.

Today Hackney is back professing history at Penn, and the Christian Coalition's ex-mastermind has just led the Georgia Republican Party to senatorial victory by impugning the Democratic incumbent, a triple amputee, for unpatriotic thoughts. To each the pursuit to which he was destined.

TODD GITLIN *is author of the forthcoming* Letters to a Young Activist *(Basic Books) and a professor of journalism and sociology at Columbia University.*

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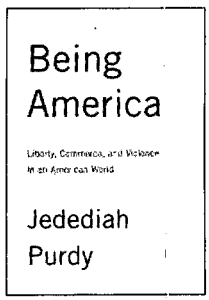
At Home Abroad

By Jacob Heilbrunn

Is America the beneficent protector of global liberties or a naughty rogue super-state? Such questions, previously confined to academic conferences and oak-paneled rooms at the Council on Foreign Relations, have become the quotidian fare of everything from cable news networks to the op-ed pages to online polls. But the nature of our newfound interest in other countries remains curiously solipsistic. We're still not really that interested in how other nations see the world. Rather, since 9/11, we've gone from thinking only about ourselves to thinking about what the rest of the world thinks of us—"But enough about me; what do *you* think of me?" A new Pew Research Center poll surveying attitudes among the citizens of 42 different countries set off paroxysms of national angst. "World Image of U.S. Declines," trumpeted a *Washington Post* headline. "World Survey Says Negative Views of U.S. Are Rising," said *The New York Times*.



BEING AMERICA: Liberty, Commerce, and Violence in an American World
by Jedediah Purdy
Knopf, $24.00

Of course, with the White House provoking waves of anxiety abroad, it does make sense to be especially concerned right now about how the world perceives us. And Jedediah Purdy is among the worried. In *Being America: Liberty, Commerce, and Violence in an American World*, he sets out to trace our influence into every nook and cranny of the globe. If containment sought to dam Soviet communism, the new American credo, as Purdy and many others see it, is expansionism. Purdy, a fellow at the New America Foundation, has written a brilliant if uneven book in which vivid insights (nationalist movements are "not the enemies of the future. Instead, they are contenders for it") jostle uneasily with banal platitudes ("The United States should approach a gray world knowing the limits of our power"). Drawing on Adam Smith and Edmund Burke, among others, Purdy hopes to provide a meditation on the causes and consequences of American might and prosperity abroad. He has also done a good bit of legwork, visiting activists and workers everywhere from Cairo to Jakarta, to report—and reflect—upon perceptions of America.

To Purdy, American power and influence are self-evident. "Once again," he opens, "America is a prophetic nation." By this, he means that America represents the world's image of the future, that it is the first modern nation, and that all societies, however tenaciously they cling to their own customs, are heading toward individualism, mobility, and instant communication. Thomas Friedman and a host of other exponents of globalization have, of course, made similar claims. But in his chapter on economics, Purdy offers a striking examination of the unresolved tension between the promise of prosperity and the sweatshops that underlie it. Like Marx, Purdy sees capitalism as a gigantic wrecking force that upends societies. "Markets sweep across the land like a natural disaster," Purdy writes, "driving whole populations before them."

But where Marx worshipped what the Austrian conservative Joseph Schumpeter later called "creative destruction," Purdy views it with distinct unease. Is the market a liberating force or does it simply allow prosperous Western countries to loot the Third World? In a bold stroke, he turns to Adam Smith, emphasizing that the Scottish economist, while convinced that liberty entailed freedom of the market, worried about the consequences. Smith, Purdy reminds us, used the example of slavery to demonstrate that wealth and liberty do not automatically consign brutal servitude to the dustbin of history. On the contrary, it may heighten the temptations for one class to dominate another. The richer a slave-owning class becomes, the less likely it is to abolish such subjugation. According to Purdy, "Political choice decides whether freedom or domination, dignity or humiliation, will become the ruling temper of the economy, and how great will be the gap in experience between the most fortunate and the least powerful." Purdy does not offer a convincing answer to such problems, but he sets them up deftly.

The real problems with Purdy's book start when he conducts his interviews. The tone becomes tentative, the descriptions vague, the prose lifeless, almost as if his mind is wandering. Interviewing a young Egyptian professional, he quotes her as remarking that Osama bin Laden "should have attacked the White House. Then, no one could have said it was murder." Purdy writes, "I let that go unremarked." But why? Had he challenged the ludicrous statement, he might have been able to elicit something interesting about the way Egyptians, or a certain class of Egyptians, see the world. Instead, throughout the book he remains curiously passive. What's more, Purdy does not use these encounters to buttress the larger conclusions that he seeks to draw about the United States being the model of modernity for all other societies.

Here I want to do something slightly unfair and quote from one of Adam Smith's contemporaries, who easily carried off the kind of leap from idiosyncratic detail to broad generalization to which Purdy aspires. Upon visiting Scotland, this Englishman was surprised that Scottish windows could not be readily opened. As a result, the houses stank. His conclusion: "These diminutive observations seem to take away something from the dignity of writing, and therefore are never communicated but with hesitation," he wrote, "and a little fear of abasement and contempt. But it must be remembered, that life consists not of a series of illustrious actions, or elegant enjoyments ... The true state of every nation is the state of common life."

Of course, Purdy is no Samuel Johnson, but his prose leaves no

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doubt that he hopes to attain the same exalted moral sentiments and lessons—"American power takes a tortuous path and does not always work as we intend. Peoples, like individuals, make their own decisions ... When the United States is a source of hope—which it is for individuals everywhere—there is also hope in the future." In short, he tends toward preachiness without the acuity and insight that enabled Johnson to write from the heart. One wishes that Purdy would loosen up. He should think less about what he's writing and write more what he thinks.

Perhaps Purdy's greatest weakness is the cursory attention he pays to American foreign policy. Does he believe that America would not stir antagonism abroad if it withdrew militarily? Should it rely on the United Nations? Is the Bush administration running roughshod over internationalist principles, or is it giving them a new lease on life? Does American military power subvert or enhance America's political influence abroad? Purdy never says. Instead, he retreats into abstractions: "The wrong kind of greatness, built on pride and reckless optimism, could make us history's signal failure." Sounds right, but what does Purdy think a less reckless optimism would consist of? Once again, he never says.

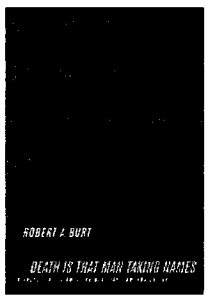
Above all, Purdy does not distinguish sufficiently between the broader liberal principles that he invokes about liberty and specific American ones. Europeans resent the United States because it claims to have a patent on Western ideals. Had Purdy taken some of the countries he visited on their own terms and not assumed that we live in "an American world," he might have produced more insights about what makes them tick. Purdy seeks to transcend narrow national categories, but in focusing relentlessly on the United States, he never escapes them.

JACOB HEILBRUNN *is a member of the* Los Angeles Times *editorial board.*

Grave Concerns

By Shannon Brownlee

IN 1989, THE ROBERT WOOD Johnson Foundation funded a five-year, $30 million study of how dying patients and their caretakers make decisions about end-of-life care. The goal of the SUPPORT trial (for Study to Understand Prognoses and Preferences for Outcomes and Risks of Treatments) was to address the growing national concern over the loss of control that patients experience as death approaches, and to find ways to reduce the number of Americans who suffer prolonged and painful deaths. The first phase of the study, which ultimately included 9,000 patients, simply looked at how well hospitals and caregivers observed DNR, or "do not resuscitate," orders; provided pain-killers; and shared with patients and families decisions concerning such life-prolonging treatments as feeding tubes and mechanical ventilators. This phase of SUPPORT found that physicians often didn't have a clue as to what families and patients wanted; DNR orders were often written only in the last few days of life; and more than half of patients died in substantial pain.



DEATH IS THAT MAN TAKING NAMES
by Robert A. Burt
University of California Press, $29.95

These results seemed at the time to confirm the widely held view that medicine and its practitioners had lost their humanity, and that doctors were abandoning the patients who needed compassion the most. But the subsequent phase of the study called that conclusion into question. Here, dying patients entering the hospital were randomly assigned to one of two groups. The first group received intensive intervention from specially trained nurses, who counseled families and patients about prognoses and medical options and informed doctors day by day about the families' desires regarding life-prolonging treatment and the patients' level of pain. The other group received no intervention, but their interactions with caregivers were monitored. The results of this clinical comparison, writes author Robert Burt, were "stunning: The intensive intervention changed almost nothing ... The most intensive mechanisms to promote rational decision-making based on accurate prognoses and to actively elicit patient choices to guide professional treatment ... had *zero* [his emphasis] impact on the provision of end-of-life medical care."

It would be easy to conclude that the SUPPORT procedures failed because of the willful and callous disregard of doctors. Indeed, that was how the American Medical Association—a group not generally given to doctor-bashing—characterized the results and how the press reported them. But, as Burt argues persuasively in this book, the reasons go far deeper than medical arrogance. He constructs a compelling case for the idea that most Americans—including patients and families, along with their doctors—cannot make rational end-of-life decisions because we are all struggling with a deep ambivalence about death. On the one hand, we know that it is inevitable, a biological and morally neutral inevitability. On the other hand, we view death as inherently evil. Much of the conflict and mistreatment of the dying over the last century, he argues, rises directly from our inability—or refusal—to accept our conflicting feelings about our common fate.

Before the Civil War, the vast majority of Americans died at home, with all the attendant care and grief that witnessing a family member's death entails. The war caused tens of thousands of men, a substantial percentage of the nation's population, to die far from home. One result was the rise of the mortuary business, whose services were suddenly in great demand from families who wanted their loved ones' bodies shipped home for burial. The Civil War also ushered in a dramatic shift in the social role of doctors, who increasingly found themselves in the position of being the overseers of death. By the mid-20th century, Americans had handed the responsibility for their loved ones' ends to nursing homes and hospitals.

The post-Vietnam era and feminism brought an effort to return con-

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trol of death to families and individuals. In the 1970s, this movement took the form of such judicial decisions as *Roe v. Wade* and the Karen Ann Quinlan case, in which the family of a young woman in a coma appealed to the courts to force her doctors to remove life-sustaining technology. The courts' rulings gave rise to the right-to-die movement. Hospitals instituted programs to support "patient choice," living wills, and DNR decisions by patients and their families. A decade later, the SUPPORT trial found that efforts to transfer power over decisions surrounding death had little effect.

Why can't we as a nation help people die with dignity, and without pain? In Burt's view, Americans cannot, or at least have not, acknowledged our ambivalence about death. We want to rationally control its timing and course, while simultaneously urging doctors to do everything possible to stave it off. We have shoved the decisions off onto doctors and then castigated them for turning away from the heavy burden of compassion. We know intellectually that death is inevitable, yet we cling stubbornly, and largely subconsciously, to the irrational belief that we can somehow avoid it by refusing to think about it. "The breeding ground for abuse of dying people," writes Burt, "is in the silences engendered by ... social isolation. Effective counteracting of this social isolation does not depend on rational mastery of death. It depends on enlarging everyone's tolerance for their inability to achieve this mastery."

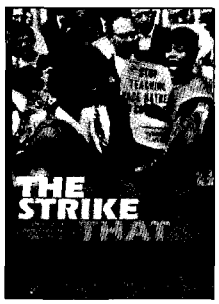
This is not an easy argument to make, or at least not one that always achieves clarity in *Death is that Man Taking Names*. The book's only significant failing is that it views that anguish from a lofty perspective, and does not give readers much sense of the emotional rawness behind the issues. Nonetheless, this is an enormously important book, filled with original insights that bear on the often convoluted public discourse surrounding such issues as physician-assisted suicide, end-of-life care, abortion, and the death penalty, as well as the private sorrow and anguish of families and patients.

SHANNON BROWNLEE *is a fellow at the New America Foundation.*

Hire Education

By Richard D. Kahlenberg

PUBLISHERS USUALLY WANT book titles to overreach. I remember my initial hesitation when my editor suggested a book I'd written on affirmative action be titled *The Remedy*. (I gave in when he said people looking for the latest John Grisham novel might buy it by mistake.) So it is rare that we see a book title like this one, which undersells its subject, describing the dispute over the firing of white educators by a local black school board in Ocean Hill-Brownsville in Brooklyn as one that "changed New York." On fundamental issues of race, education, and labor, the new politics that emerged from Ocean Hill-Brownsville in 1968 devastated American liberalism so profoundly that the effects are still being felt 35 years later.



THE STRIKE THAT CHANGED NEW YORK:
Blacks, Whites, and the Ocean Hill-Brownsville Crisis
by Jerald E. Podair
Yale University Press, $35.00

Jerald Podair's new book does an admirable job of telling all sides of the story itself in a clear and compelling fashion. Understandably frustrated with virulent white resistance to school integration, local black leaders in New York sought to establish "community control" over the schools, with the help of the city's white elite, most notably Mayor John Lindsay and the Ford Foundation's McGeorge Bundy. In May 1968, however, the movement turned ugly when the local Ocean Hill-Brownsville board summarily fired 18 white educators (and one black educator mistakenly included) for not supporting community control. The local school administrator, Rhody McCoy, said his ultimate goal was an all-black teaching force in the community.

Albert Shanker, president of the New York City United Federation of Teachers (UFT), protested the dismissals as a violation of the hard-won union contract requiring due process. When the school board balked at reinstating the teachers, the UFT staged a series of three strikes, which shut down the entire New York City public school system. With 1 million students stranded, in one case for more than a month, the Ocean Hill–Brownsville dispute turned into the largest and longest teachers' strike in American history.

Black activists labeled Shanker and the UFT racist for resisting a measure of black self-government. They noted that blacks constituted just 8 percent of the New York City teaching force (compared to 20 percent of the general population) and called for an elimination of the Board of Examiners' test for entry and promotion. They called for a curriculum teaching "black values," which they defined as "mutuality, cooperation, and community." And they rejected standardized testing for students, because it meant, one member of the African-American Teachers Association (ATA) said, "if a [black] wants to succeed, he has to 'become white.'"

Many whites resisted these attacks on merit, and pointed to racism in the black community itself. In a reversal of Little Rock, black mobs surrounded white teachers who attempted to enter school, with some activists threatening to "carry you out in pine boxes." Leaders of the ATA, Albert Vann and Leslie Campbell, called for physical separation of black and white teachers in cafeterias and lounges. Appearing on a radio station, Campbell read aloud a student's poem dedicated to Shanker, which began, "Hey, Jew boy, with that yarmulke on your head/ You pale faced Jew boy—I wish you were dead."

Some liberals like Michael Harrington and Bayard Rustin supported the UFT, but most of the left—including *The New York Times*, the *Village Voice*, and New York's ACLU—joined business elites in support of community control.

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Shanker, who had marched for civil rights in Selma, rejected that approach, saying: "This is a strike to protect black teachers against white racists in white communities and white teachers against black racists in black communities." Because it was illegal for teachers to strike, Shanker later served a 15-day jail sentence.

The UFT eventually prevailed and the teachers were reinstated, but a modified version of community control, in the form of decentralization, took hold in New York, and held sway until very recently. Moreover, many on the left took away a series of dubious lessons from the controversy: a tendency to view organized labor as backward and primitive; to attack standards of merit as racist; to join conservatives in downplaying the importance of integration.

Podair portrays this story clearly but runs into trouble when he provides an historical interpretation. His main message, repeated throughout the book, is that the Ocean Hill-Brownsville controversy showed that "blacks and whites inhabited different perceptual universes," viewing the same events very differently. Podair's rhetoric parallels Bill Clinton's refrain after the O.J. Simpson trial. As president of all the American people, Clinton had good reason to fudge the question of whether or not Simpson was guilty, but an historian's obligation is the opposite: to truthfully render reasoned judgment, seasoned with the perspective of time. A fair reading of Podair's evidence suggests that the path taken by the left, forged in Ocean Hill-Brownsville, has done grave damage to the promotion of equality.

The emphasis on black power and racial distinctiveness over racial integration and coalition-building has hurt progressives on a practical level, by encouraging the huge swing vote in America—the white working class—to practice their own form of identity politics and vote their race rather than their class. More generally, the attack on colorblind merit forfeited the moral high ground to conservatives, who hardly deserve it on historical grounds. In education, the emphasis on "community control" by left and right, has held out the illusory promise that separate can be equal—put to the lie, most recently, by a study finding that predominantly poor schools are 24 times less likely to perform at a high level than middle-class schools. The positing of a separate system of "black values" by black and white adults in Ocean Hill-Brownsville is not unconnected to the cruel phenomenon whereby some black students disparage academic success as "acting white."

Finally, Ocean Hill-Brownsville helped contribute to the decline of American organized labor. Until 1968, when a labor union struck because its workers were fired without due process, liberals knew which side they were on. But in Ocean Hill-Brownsville, the left reframed the issue as white versus black, making labor the bad guys in the drama. The irony is that what black activists called "black values"—mutuality, cooperation, and community—are above all union values, which the UFT invoked with great success in Ocean Hill-Brownsville, when the membership said: If you fire 19 of us unjustly, 50,000 of us will strike.

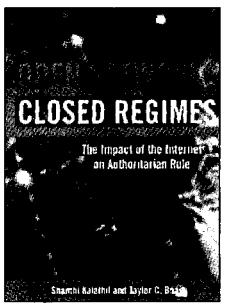
Ocean Hill-Brownsville was a tragedy of historic proportions. Jerald Podair's relativist book is the latest evidence that liberals still have not learned its lessons.

Richard D. Kahlenberg, *a senior fellow at The Century Foundation, is writing a biography of Albert Shanker.*

World Wide Wash

By Nicholas Thompson

I RECENTLY ASKED OXBLOOD Ruffin, a programmer working to help dissidents who use the Internet to skirt repressive governments, about efforts to foment digitally borne subversion in China. Alas, he said, Chinese Internet users care more about slipping past pornographic censors than political ones. "There's a sort of Western romance associated with Web censorship that imagines all those poor folks in China, Iran, etc., just can't wait to get to CNN. Although this is true for some people, many more are lining up to get into the school for one-handed typing."



OPEN NETWORKS, CLOSED REGIMES
The Impact of the Internet on Authoritarian Rule
by Shanthi Kalathil and Taylor C. Boas
Carnegie Endowment for International Peace, $18.95

Unfortunately, as Shanthi Kalathil and Taylor C. Boas argue in their fascinating and extremely useful new book, *Open Networks, Closed Regimes*, that shouldn't surprise. The Internet hasn't really helped global democracy, and it hasn't built a global civil society either. In some countries, authoritarian governments have even been able to use the Internet to entrench themselves, gleefully reversing Ronald Reagan's 1988 assertion that "the Goliath of totalitarianism will be brought down by the David of the microchip." In other words, sometimes the Net helps the good guys; sometimes it helps the bad guys—and quite often, it does nothing.

Kalathil and Boas derive their argument from analyzing eight authoritarian countries with varied strategies for controlling the Internet. Cuba, for example, forces many users to connect to a national intranet instead of the World Wide Web and blocks non-supportive organizations from getting online. It also uses the Internet quite effectively to spread its own propaganda: "Internet development has largely proceeded beneficially for Cuba's authoritarian regime," write the authors.

Burma, on the other hand, just shuts off access from the rest of the world and carefully monitors what little it allows. In the United Arab Emirates, the government plays "a cat and mouse game of moderate intensity," blocking pornography and some political sites, though not real-

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ly cracking down on violators.

But no matter a particular government's strategy, in all eight case studies the house wins, and the Internet fails to provide a possible back door to transformation. In a telling example, the authors argue that the greatest threat posed to countries in the Middle East may well be that e-government makes governments more efficient, thus reducing patronage jobs through which tyrants can co-opt their subjects. That's possible, and it may perk up the ears of longtime *Washington Monthly* readers familiar with this magazine's theories on the power of bureaucracy. Even so, a revolt of technologically displaced grunt workers is probably not high on King Fahd's list of concerns.

The first problem is that the technology just hasn't spread very far yet. The Internet is amazing, but accessing it in most of the world is a pain, and an expensive one at that. Moreover, regulation is much easier than people thought a few years ago and wildcat access, through, say, small satellites or jerry-rigged modems, hasn't really panned out. Kalathil and Boas cite an estimate that the entire population of Iraq has just 500 separate email accounts. So, even if everyone gets online at the same time and starts planning a new democratic constitution, they'll still have fewer supporters than the Marijuana Reform Party does in many New York counties.

Another explanation, which the authors don't make directly, is that the countries they survey with enough Internet access to have any chance of online-inspired political upheaval are also succeeding economically. Singapore has a repressive government and easy Internet access. But it also has a per-capita income almost matching that of the United States—so who's going to get riled up enough to start an online revolution? As a clever Singaporean writer said in the early 1990s: "Give me Liberty, or give me Wealth." China has a similar problem, so to speak. Yes, the government is repressive, but it's also doing much better economically than most of its neighbors, meaning that, as a programmer in Taiwan emailed me a few months ago, "the Chinese people are more interested in money making than freedom-seeking nowadays." To put it another way, the financial boom is more likely to convince users with Internet access to stare at the legs of women than to read *The Rights of Man*.

The one irritating thing about *Open Networks, Closed Regimes* is that Kalathil and Boas consistently argue against a straw man of "blind optimism" about the Internet's democratizing effect. But they give away the game in the book's second paragraph: "There is now a widespread belief in the policy world that the Internet now poses an insurmountable threat to authoritarian rule." Their prime example in the next sentence, however, is that Colin Powell once said that "the rise of the democracy and the power of the information revolution combine to leverage each other," which is a very different statement.

Some people may still argue that the Internet will tear down walls of oppression everywhere. But there aren't many of them. At most, proponents insist that the Internet has had a significant impact in a few countries that the authors didn't survey, such as Indonesia, and might well have more of an impact in the future. Overall, though, the conventional wisdom actually isn't far from Kalathil and Boas's thesis that the Internet has had an ambiguous impact on international democracy and that no one can really make a confident guess about what will happen next.

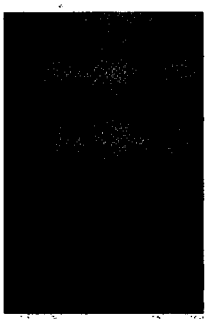
Still, that's not a reason not to read the book. Mirroring the conventional wisdom in this case is good since the conventional wisdom is probably correct. And when that happens, an author can still add lots of value by providing heaps of new information and keen analysis. Kalathil and Boas certainly do that.

NICHOLAS THOMPSON *is a contributing editor of* The Washington Monthly *and a Markle Fellow at the New America Foundation.*

Empire State Building

By Anatol Lieven

MANY WORKS ON INTERNATIONAL affairs from the "Realist" school of foreign policy in the United States don't necessarily look that way to the rest of humanity. Very often they are characterized by startlingly unrealistic assumptions, both about the United States and the countries with which it has to deal. This deficiency tends to undermine such virtues of the Realists as their understanding of the nature of state power. An obsession with interstate relations—the "Grand Chessboard" of Zbigniew Brzezinski's phrase—among the Realists tends to discourage attention to the internal dynamics of other states, while a patriotism sometimes tending to chauvinist nationalism discourages attention to the domestic roots and moral ambiguities of U.S. policies, and risks both idealizing of American motives and exaggerating American strength. This is above all true of the latest luxuriant flowering of the more carnivorous wing of the genus *realisticus*, the so-called "Offensive Realists" of the Richard Perle variety. Finally, many of the Realists are simply psychologically incapable of imagining how America and its policies appear to other nations.



AMERICAN EMPIRE: The Realities and Consequences of U.S. Diplomacy
by Andrew J. Bacevich
Harvard University Press, $29.95

To say that Andrew Bacevich's *American Empire* is a truly realistic work of realism is therefore to declare it not only a very good book, but also a pretty rare one. The author, a distinguished former soldier, combines a tough-minded approach to the uses of military force with a grasp of American history that is both extremely knowledgeable and exceptionally clear-sighted. This book is indispensable for anyone who wants to understand the background to U.S. world hegemony at the start of the

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21st century; and it is also a most valuable warning about the dangers into which the pursuit and maintenance of this hegemony may lead America.

Bacevich speaks for many of us staunch former anti-Communists when he writes of his enduring belief that the Cold War had to be fought. "And yet in the years after the dismantling of the Berlin Wall—the event that validated U.S. exertions across the previous half century—American statecraft seemingly jumped its traces. Whereas before 1989, U.S. foreign policy appeared in the main realistic, with the stated objectives of diplomacy quite limited—to protect our homeland, to preserve our values, to defend our closest allies—in the 1990s those objectives aimed at nothing short of a full-scale transformation of the international order."

Bacevich expounds a threefold thesis: first, that America is indeed an empire, as this term has traditionally been understood—though an indirect empire which does not need to annex states and administer them directly; second, that this imperial role, and especially its intellectual and moral underpinnings, are not a creation of the post-Cold War period but deeply rooted in American history; and third, that the basic attitudes and policies to which this gives rise have been characteristic of every U.S. administration since the early 1990s. In other words, the distinction between Republicans and Democrats in this regard is largely meaningless.

Bacevich's first chapter is entitled "The Myth of the Reluctant Superpower," and demolishes the notion that the United States has generally been averse to using military force to promote its international power. He quotes Teddy Roosevelt: "Of course, our whole history has been one of expansion." This argument is becoming characteristic of neoconservative nationalist writers like Robert Kagan and Max Boot. But whereas they see this tendency as an undiluted and indisputable good, Bacevich, as a soldier, is strongly alive to its moral ambiguities and the savage realities of warfare. He writes of the way in which, for example, the Spanish-American War, begun for ostensibly the purest humanitarian motives, turned into an anti-partisan struggle against Filipino guerrillas in which American soldiers replicated the brutalities of the other Western colonial armies.

Bacevich does not make the mistake of the simple-minded left in alleging that the idealistic elements in U.S. foreign policy are simply a hypocritical cover for its "real" motives. On the contrary, he describes the conviction of American leaders of America's superior democratic and economic civilization as both completely sincere and one of the nation's greatest strengths. But unlike the neoconservatives, he is also aware that all the Western colonial empires believed this claim of civilization superiority, and used it to justify their empire-building. He also understands why so much of the rest of the world finds these claims not merely unconvincing but infuriating.

Among its other strengths, this book throws particular light on the military culture of the past decade, and the transformation of the relationship between the American military and the country's political leadership. He demonstrates the growing political autonomy of the military high command, as exemplified in what he calls the "rise of the proconsuls"—otherwise known as the regional commanders-in-chief. And he stresses the greater caution—dare one say "realism"?—of the military when it comes to the use of force and its consequences. Hence the initially strange picture of a former general following a dovish policy as secretary of state, assisted in this from behind the scenes by much of the uniformed military, even as the military's civilian leadership urges a much more aggressive line.

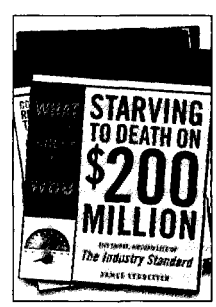
Above all, Bacevich's book calls for American clear-headedness—a summons immensely important at a time when such thinking is all too likely to be drowned out by those of an unthinking and sentimentalized nationalism. In his words: "The question is what kind of empire [Americans] intend theirs to be. For policymakers to persist in pretending otherwise—to persist in myths of American innocence or fantasies about unlocking the secrets of history—is to increase the likelihood that the answers they come up with will be wrong. That way lies not just the demise of the American empire but great danger for what used to be known as the American republic."

ANATOL LIEVEN *is a senior associate at the Carnegie Endowment for International Peace in Washington.*

Geek Tragedy

By Jamie Malanowski

IT'S IN THE NATURE OF WRITERS to love their stories, all their stories, even the lop-eared, runt-of-the-litter stories that for mercy's sake should be stuffed into a sack and heaved into a swift-moving stream. It's also in the nature of writers, particularly youngish writers at newish, underdoggy, out-of-the-mainstream publications, to love those publications deeply, and romantically. This is because the work is exciting and involving, and because bosses at newish, underdoggy, out-of-the-mainstream publications classically feed their underlings a motivational line that makes them feel like Che Guevara in the mountains, even when they happen to be writing about latte or cell-phone corporations. In the end, the work becomes not merely the writer's community and family, but also his or her *raison d'etre*. These idiotically romantic feelings become especially intense if the publication craps out before descending into disappointing middle age. In death, a magazine or a newspaper, like a lover, can forever remain perfect in its possibilities. In *Starving to Death on $200 Million: The Short, Absurd Life of The*



STARVING TO DEATH ON $200 MILLION
The Short, Absurd Life of The Industry Standard
by James Ledbetter
Public Affairs, $26.00

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Industry Standard, a very fine journalist, James Ledbetter, succumbs to both of these tendencies like the swoony boy lead in a Kirsten Dunst movie. The problem is that he simply has less of a story than he thinks he does.

You remember the Internet—not the helpful tool most of us use every day for a host of tasks, but Internet the Idea, the belief system which held that the Internet was a transformational force that was going to completely remake the society in ways so far-reaching that most humans could not yet begin to comprehend them. This belief was so powerful that people invested fortunes in the hope and expectation that soon, maybe even within a couple of quarters, vast numbers of people would be downloading their dog food and consulting anonymous on-line physicians about their medical problems, and other such miraculous transmogrifications. *The Industry Standard* was a weekly magazine that for about two years chronicled this industry. It was a good publication, but it was one of a bunch that did what it did; its claims of unique excellence, fashioned over so brief an existence, aren't immediately apparent to an outside observer. However, during the height of Internet fever, its weekly status gave it a club-newsletter cachet, and over one extraordinary 12-month period, *The Industry Standard* raked in advertising revenue at phenomenal levels—$2 million a week. Of course, the boom didn't last. The dot.coms that advertised in it went broke and stopped advertising; the tech giants like Intel that sold hardware to the dot.coms stopped advertising; and the dot.communists who worked at these disappearing businesses, and who had billed the cost of their subscriptions back to their companies, were laid off and chose not to subscribe with their own money. Soon the phenomenally profitable publication, which had grown and expanded and set up subsidiary ventures and foreign bureaus and generally acquired all the other apparatus of an Information Age empire, was hemorrhaging money. Whereupon the fusty old media company that owned a big chunk of the publication—IDG, the corporation that publishes the "for Dummies" books (*Wine for Dummies*, etc.) among a host of profitable, dirt-dull niche publications—turned out the lights.

This story—a hot publication's rise and fall, the charismatic founder who was all grasshopper and no ant, the conflict between the New Media dreamers and the Old Media bean counters—sounds pretty good. Unfortunately, Ledbetter was less than ideally positioned to capture the tale. *The Industry Standard* was headquartered in San Francisco; Ledbetter was the New York bureau chief, stationed a continent away. At least he was a continent away until things got really hairy at the company, and the conflict started heating up, at which point he became the editor of the tiny European edition, and moved to London, a continent and an ocean away. It's like telling us about the fall of the Roman Empire from the frontiers of Gaul. Ledbetter gives us snapshots of life at HQ from time to time—the profligacy, the chaos, the company's disorganized growth—but we never get a real feel for the personalities, for their fevered delusions, for their terror as the train wreck approaches. Ledbetter doesn't tell these stories because he doesn't have these stories. He has his story, and a pretty boring tale it is. He really does treat us to accounts of his problems finding decent office space in Manhattan, his run-ins with copy editors, and his troubles with publicists and how he got back at them. Occasionally there's a tale of "How I Got That Story," but it's not that gripping. Back in San Francisco, his bosses were busy building and crashing a Hindenburg; Ledbetter tells the story of operating their outposts. Had he reported the story, and done interviews and dug around, his closeness to the story might have given him insights into the tale. But he didn't.

Of course, had he reported the story, his closeness might have been a problem. Ledbetter is a True Believer. He thinks *The Industry Standard* was a great little publication that could and should have been saved, and would have been saved if the bean counters at IDG hadn't hewn to their own agendas. At one point, he makes a harsh admission: Of the 170,000 readers the publication had in May 2000, only 44 percent actually paid for the magazine. The rest got theirs through "controlled circulation," a laughable euphemism for "for free." By 2001, those who were paying were declining to renew "in droves," as even Ledbetter puts it. In other words, *The Industry Standard*, as an idea, as the Bible of the New Media World Order, as the future Dow Jones, was the greatest thing since sliced bread. But at rock bottom, the thing that it really was—a magazine—simply wasn't popular enough to live. In that way, it was like so many of the businesses it covered.

Under all the money that washed over them, these things that were supposed to be agents of transformation were just businesses, tethered to the immutable laws of supply and demand. And at rock bottom, this book, which is supposed to be a yarn about a publication's rise and fall, is really about one man's disappointment that this thing he loved so much turned out so poorly. So what?

JAMIE MALANOWSKI *is a New York writer.*

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